GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

THE AJMER CODE:

CONSISTING OF

THE BENGAL REGULATIONS

AND

LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL

IN FORCE IN AJMER AND MERWÁRA,

REGULATIONS MADE THEREFOR UNDER THE THIRTY-THIRD OF VICTORIA, CAP. 3,

AND

NOTIFICATIONS UNDER THE SCHEDULED DISTRICTS ACT, 1874,
RELATING THERETO.

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PREFACE.

THIS, the Ajmer Code, is published under the authority of the Government of India, and contains, first, the Bengal Regulations in force in the Chief Commissionership of Ajmer and Merwára; secondly, the local Acts of the Governor General in Council in force therein; thirdly, the Regulations made for it under the thirty-third of Victoria, cap. 3; and, fourthly, the Notifications under the Scheduled Districts Act, 1874, relating to Ajmer and Merwára.

The present volume is founded on Clarke's edition of the Bengal Regulations published in 1854, under the authority of the Court of Directors of the East India Company, and on the official copies of the Acts of the Supreme Council and of the Regulations made under 33 Vic., cap. 3, preserved in the Legislative Department.

The only changes made in reprinting are the following:—

(*a*.) Repealed portions of Regulations and Acts have been omitted, except in some cases where the repeal is not specific. In such cases the repeal is mentioned in a foot-note.

(*b*.) Where an Act directs that a section, a clause or words be inserted in a former Regulation or Act, in reprinting the former Regulation or Act, the insertion has been made.

(*c*.) Where one Regulation or Act refers to another, and such reference is directed by a subsequent Act to be read as if made to the latter Act, the number, year and title of the latter Act have, as a rule, been substituted in the text.

(*d.*) Arabic numerals have been substituted for the Roman numerals used in the Regulations and the earlier Acts to denote the section-numbers.

(*e.*) Words belonging to oriental languages have been uniformly spelt.

(*f.*) Lengthy sections have sometimes been divided into clauses and paragraphs.

(*g.*) In some instances marginal notes have been added; in others, they have been shortened or corrected.

The Registrar, Legislative Department, is responsible for the correct printing of unaltered matter.

W. S.

SIMLA;
The 20th May, 1879.

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TABLE OF CONTENTS.

PART I.—BENGAL REGULATIONS IN FORCE IN AJMER AND MERWÁRA.

Year.	No.	Subject.	Page.
1798	I	Conditional Sales of Land	1
1799	V	Wills and Intestacies of Natives	4
1804	X	State Offences	5
1806	XI	Assistance to Marching Troops and to Travellers	7
„	XVII	Redemption and Foreclosure of Mortgages ...	12
1810	XIX	Maintenance of Bridges, &c.: Escheats ...	13
„	XX	Military Bázárs	17
1812	XI	Removal of Foreign Emigrants	19
1818	III	State Prisoners	22
1825	VI	Passage of Troops	25
„	XX	Courts-martial	27
1827	V	Management of Estates under Attachment ...	30

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN AJMER AND MERWÁRA.

Year.	No.	Subject.	Page.
1856	XX	Chaukídárs	33
1867	III	Gambling	48
1870	XXVI	Prisons	56
1871	X	Excise	70
1873	XV	Municipalities	90
1874	XIII	European British Minors	101
1875	XV	Village Watchmen	110
1878	XVII	Ferries	114

PART III.—REGULATIONS MADE UNDER THE THIRTY-THIRD OF VICTORIA, CAP. 3, FOR AJMER AND MERWÁRA.

Year.	No.	Subject.	Page.
1872	IV	Taluqdárs' Relief	123
1874	VI	Forests	133
1877	I	Courts	139
„	II	Land and Revenue	152
„	III	Laws	176
1879	I	Salt	188

PART IV.—NOTIFICATIONS UNDER THE SCHEDULED DISTRICTS ACT, 1874, RELATING TO AJMER AND MERWÁRA.

Foreign Department	No. 169J., 19th October, 1877	... ...	191
„ „	No. 171J., 19th October, 1877	... ...	*ib.*
„ „	No. 72J., 21st June, 1878	... ...	192
„ „	No. 73J., „ „	... ...	*ib.*

SUPPLEMENT 193

THE AJMER CODE.

PART I:

THE BENGAL REGULATIONS IN FORCE IN AJMER AND MERWARA.

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REGULATION I OF 1798.

Passed on the 9th of January 1798.

A Regulation to prevent fraud and injustice in conditional sales of land under deeds of bai-bil-wafa, or other deeds of the same nature.[a]

Preamble.

1. It has been long a prevalent practice in the Province of Bihár to borrow money on the mortgage and conditional sale of landed property, under a stipulation that if the sum borrowed be not repaid (with or without interest) by a fixed period, the sale shall become absolute.

This species of transfer has, in the above Province, been usually denominated bai-bil-wafa; and the same transaction is common in Bengal, under an instrument termed katkabála.

It doubtless exists, also, under deeds of the above or similar denominations, in Orissa and Benares: and since the promulgation of the rules respecting interest contained in Regulation XV. 1793,[b] it has become more prevalent; particularly in the Province of Bihár, wherein instances have occurred in which persons lending money on bai-bil-wafa, in order to render the sale absolute, and thereby possess themselves of the landed property of the borrower, have denied the tender or evaded receiving payment of the money due to them within the period limited for the discharge of it.

In such cases, the proof of the tender falls on the borrower; and if he fail in the proof of it for want of legal evidence, he is liable to lose his estate.

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[a] Declared, by Regulation No III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 3rd Vic, c. 3, s 1, have been extended.

[b] Repealed by Act No. VIII of 1868.

It is necessary, therefore, for the security of the borrower, in such transactions, that he should have the means of establishing before a Court of Judicature his having tendered, or being ready to pay, within the stipulated period, the amount due from him to the lender; who, if he mean to act fairly, will also derive a benefit from a clear rule being laid down, whereby it may be readily ascertained whether the borrower was willing to redeem his property by the payment of the money lent upon it within the period agreed upon between the parties, or whether, from his having omitted to perform the conditions of such redemption, the sale is become absolute and the property included therein finally transferred to the lender.

For the above purpose, and for the prevention of other abuses in the transactions referred to, the Governor General in Council has passed the following rules, to be considered in force in the Provinces of Bengal, Bihár, Orissa and Benares, from the date of the receipt of this Regulation by the several Courts respectively.

Procedure for borrower of money on conditional sale of land, who desires to redeem it by paying money lent.

2. In all instances of the loan of money on bai-bil-wafa, or on the conditional sale of landed property, as explained in the preamble to this Regulation, however denominated, the borrower, who may be desirous to redeem his land by the payment of the money lent upon it, with any interest due thereon, within the stipulated period, is at liberty, on or before the date stipulated, either to tender and pay to the lender the amount due to him, taking such precautions as he may think necessary to establish such tender and payment, if evaded or denied, or without any tender to the lender, to deposit the amount due to him, on or before the stipulated date, in the Díwání Adálat of the city or zila in which the land may be situated; and the Judge receiving the same shall furnish the party with a written receipt for the amount, specifying on what date, and for what purpose, such deposit may have been made.

He shall also, at the same time, cause a written notice of such deposit to be delivered to the lender; and on the application of the latter, and his surrender of the conditional bill of sale, or showing satisfactory cause why it cannot be surrendered, shall pay him the amount deposited, and take his acknowledgment, to remain among the records of the Court.

That there may be no doubt to what amount the deposit in question is to be made, it is required to be as follows :—

When the lender has not obtained possession of the lands, the deposit is to be the principal sum lent, with the stipulated interest thereon, not exceeding the legal rate of twelve per cent. per annum; or if interest be payable and no rate has been stipulated, with interest at the established rate of twelve per cent.; but if the lender has held possession of the land, the principal sum borrowed only need be deposited, leaving the interest to be settled on an

adjustment of the lender's receipts and disbursements during the period he has been in possession.

In either case, a deposit, made as above required, shall be considered to preserve to the borrower his full right of redemption ; and if the land be in the possession of the lender, shall entitle him to demand the immediate recovery thereof, subject to the adjustment of accounts specified in the following section :

Provided, however, that if the borrower in any case shall deposit a less sum than above required, alleging that the sum so deposited is the total amount due to the lender for principal and interest, after deducting the proceeds of the lands in his possession, or otherwise, such deposit shall be received, and notice given to the lender as above directed ; and if the amount so deposited be admitted by the lender, or be established, on investigation, to be the total amount due to him, the right of redemption shall be considered to have been fully preserved to the borrower, who will not, however, in such cases, be entitled to the recovery of his lands, until it be admitted or established that he has paid the full amount due from him.

When lender has possessed land, and adjustment of accounts is necessary, he is to account for proceeds of estate.

3. In all instances wherein the lender on a bai-bil-wafa, or similar conditional sale, may have been put in possession of the land, and an adjustment of accounts may consequently become necessary between him and the borrower, the lender is to account to the borrower for the proceeds of the estate whilst in his possession, on the principles prescribed with regard to mortgages and interest in Regulation XV. 1793,[a] as far as the same may be applicable to the nature of the case.

But such part of section 10 of the above Regulation as directs that the mortgages therein referred to are to be considered as cancelled and redeemed whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property, or otherwise liquidated by the mortgagee, being inapplicable to the conditional sales referred to in this Regulation, it is hereby declared not to apply thereto.

Típs not to be considered legal tender unless accepted by lender.

4. A típ for the repayment of money lent on the conditional sales referred to in this Regulation shall not be considered a legal tender, unless accepted as such by the lender ; the proof of which acceptance shall be the lender's giving up the bill of sale, or giving a written acknowledgment that he has received back the money lent by him.

Regulation not to alter contract between parties.

5. Nothing in this Regulation being intended to alter the terms of contract settled between the parties in the transactions to which it refers (illegal interest excepted), the several provisions in it are to be construed accordingly ; and any question of right between the parties is to be regularly brought before and determined by the Courts of Civil Justice.

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[a] Repealed by Act No. VIII of 1868.

REGULATION V OF 1799.

Passed on the 3rd of May 1799.

A Regulation to limit the interference of the Zila and City Courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.[a]

If there be more heirs than one to estate of intestate.

4. If there be more heirs than one to the estate of a person dying intestate, and they can agree amongst themselves in the appointment of a common manager, they are at liberty to take possession, and the Courts of Justice are restricted from interference, without a regular complaint, as in the case of a single heir;

but if the right of succession to the estate be disputed between several claimants, one or more of whom may have taken possession, the Judge, on a regular suit being preferred by the party out of possession, shall take good and sufficient security from the party or parties in possession for his or their compliance with the judgment that may be passed in the suit; or in default of such security being given within a reasonable period, may give possession, until the suit may be determined, to the other claimant or claimants who may be able to give such security, declaring at the same time, that such possession is not in any degree to affect the right of property at issue between the parties, but to be considered merely as an administration to the estate for the benefit of the heirs, who may, on investigation, be found entitled to succeed thereto.

In what cases Judge may appoint administrator for care and management of estate of intestate.

5. In the event of none of the claimants to the estate of a person dying intestate being able to give the security required by the preceding section, and in all cases wherein there may be no person authorized and willing to take charge of the landed estate of a person deceased, the Judge within whose jurisdiction such estate may be situated (or in which the deceased may have resided, or the principal part of the estate may lie, in the event of its being situated within two or more jurisdictions) is authorized to appoint an administrator for the due care and management of such estate, until, in the former case, the suit depending between the several claimants shall have been determined, or in the latter case, until the legal heir to the estate, or other person entitled to receive charge thereof as executor, administrator or otherwise, shall attend and claim the same; when, if the Judge be satisfied that the claim is well founded, or if the same be established after any inquiry that may appear necessary, the administrator appointed by the Court shall deliver over

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[a] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

the estate to him, with a full and just account of all receipts and disbursements during the period of his administration.[a]

Security to be taken from, and allowances paid to, administrators.

6. In all instances of an administrator being appointed under this Regulation, he is, previous to entering upon the execution of his office, to give good security for the faithful discharge of his trust in a sum proportionate to the extent thereof; and the Judge appointing him is authorized to fix for him (subject to the approbation of the Court of Sadr Díwání Adálat,[b] to whom a report is to be made in such instances) an adequate personal allowance to be paid out of the proceeds of the estate, and to be a percentage thereupon, after deducting the expenses of management.[c]

REGULATION X OF 1804.

Passed on the 14th of December 1804.

A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-martial.[d]

Preamble.

1. WHEREAS, during wars in which the British Government has been engaged against certain of the Native Powers of India, certain persons owing allegiance to the British Government have borne arms in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government;

and whereas it may be expedient that, during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories subject to the government of the Presidency of Fort William, the Governor General in Council should declare and establish martial-law within any part of the territories aforesaid, for the safety of the British possessions and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of persons owing allegiance to the British Government who may be taken in arms, in open hostility to the said Government, or in the actual commission of any overt act of rebellion against the authority of the same, or in the act of openly

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[a, c] Modified by Regulation V of 1827, *infra*.

[b] The functions of the Court of Sadr Díwání Adálat shall be discharged by the Chief Commissioner, Regulation No. III of 1877, schedule II.

[d] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

aiding and abetting the enemies of the British Government within any part of the territories above specified;

the following Regulation has been enacted by the Governor General in Council, to be in force throughout the British territories immediately subject to the government of the Presidency of Fort William, from the date of its promulgation.

Power in time of war to suspend functions of ordinary criminal Courts, and establish martial-law;

2. The Governor General in Council is hereby declared to be empowered to suspend, or to direct any public authority or officer to order the suspension of, wholly or partially, the functions of the ordinary criminal Courts of Judicature, within any zila, district, city or other place, within any part of the British territories subject to the government of the Presidency of Fort William, and to establish martial-law therein, for any period of time while the British Government in India shall be engaged in war with any Native or other Power, as well as during the existence of open rebellion against the authority of the Government, in any part of the territories aforesaid;

and to direct immediate trial by courts-martial of lieges offending against Regulation.

and also to direct the immediate trial, by courts-martial, of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents, within its territories and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said territories.

Lieges convicted by court-martial of crime specified in section 2 liable to immediate punishment of death;

3. It is hereby further declared, that any person born or residing under the protection of the British Government within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section and who shall be convicted thereof by the sentence of a court-martial, during the suspension of the functions of the ordinary criminal Courts of Judicature and the establishment of the martial-law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hung by the neck till he is dead.

and to forfeiture of property.

All persons who shall, in such cases, be adjudged by a court-martial to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

Governor General not precluded from causing

4. The Governor General in Council shall not be precluded by this Regulation from causing persons charged with any of the offences described in the present Regulation to be brought to trial, at any time, before the ordinary

Courts of Judicature, instead of causing such persons to be tried by courts-martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

persons charged with offences to be tried by ordinary Courts.

REGULATION XI OF 1806.

Passed on the 3rd of July 1806.

A Regulation for facilitating the progress of detachments of troops through the Company's territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in sections 68 and 72, Regulation XXII. 1795, in clauses fifth and sixth, section 14, Regulation VIII. 1805, and in section 31 of that Regulation, to the whole of the Company's Provinces subject to the immediate government of the Presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in clause first, section 12, Regulation I. 1804.[a]

Notice to be given to Collectors and Magistrates, by officers commanding detachments.

2. Whenever a detachment of troops, or a single corps, shall be ordered to proceed, by land or by water, through any part of the Company's territories, the commanding officer of such detachment or corps is required to give the earliest practicable notice to the Collectors of the Revenue of the zilas through which the troops are to pass, of the probable time of their arrival within such districts respectively; together with information of the probable period of their arrival at the particular places where supplies may be required, and a specification of the supplies which will be wanted.

The commanding officer will likewise notify to the Collectors the probable period of the arrival of the troops at the rivers or nálás intersecting their march, where boats or temporary bridges may be necessary for crossing the troops and the baggage attached to them. The commanding officer will at the same time communicate to the Magistrates of the zilas through which the troops are to pass the probable time of the arrival of the troops within their respective jurisdictions.

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[a] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

Procedure of Collector on notice.

3. *First.*—On receiving the notification mentioned in the foregoing section, the Collector shall immediately issue the necessary orders to the landholders, farmers, tahsíldárs or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nálás as may intersect their march, without any impediment or delay.

The Collector shall at the same time depute a creditable Native officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies and of facilitating the march of the troops.

It shall also be the duty of such Native officer to provide the troops with whatever bearers, boatmen, carts and bullocks may be indispensably necessary to enable the troops to prosecute their route.

Police to assist in providing bearers, boatmen, carts and bullocks.

Should he experience any difficulty in the performance of this duty, he is at liberty to apply for assistance to the nearest Police-officer, who is directed to afford his aid in providing the number of persons, and of carts and bullocks, required.[a]

Rates for supplies furnished to troops.

Second.—The supplies furnished under the foregoing clause (including earthen pots, firewood and every article of supply) shall be paid for by the persons receiving the same at the current bázár prices of the place at which they may be provided;

Commanding officers to inquire into, and redress, complaints against persons under their command.

and all officers commanding detachments of troops or single corps marching through any part of the Company's territories are enjoined to make immediate inquiry into any complaints which may be preferred to them by the persons furnishing such supplies or in their behalf, against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

Certificate to be granted by commanding officer when troops are provided with boats, &c.

4. *First.*—Whenever a detachment of troops or a single corps shall be provided with boats, temporary bridges or other accommodations, by any landholder, farmer, tahsíldár or other person, conformably to the orders of the Collector of the zila, for the purpose of crossing the troops and their baggage over rivers or nálás, the commanding officer of such detachment or corps will grant a certificate to the person furnishing the same, specifying the number of boats and persons employed, the burthen of each boat, and how long employed on the public service.

In instances in which temporary bridges may be constructed for the above purpose, the certificate to be granted by the commanding officer is to specify, generally, the dimensions of the bridges and the materials of which they may be composed.

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[a] See Reg. VI of 1825, *infra.*

Second.—The certificate mentioned in the foregoing clause shall be immediately transmitted to the Collector of the zila by the person receiving it, accompanied by a detailed account of the expense incurred for the purposes therein specified.

Certificate to be sent to Collector with account.

The Collector shall without delay communicate the particulars of the account to the officer commanding the detachment or corps on whose account the expense may have been incurred, who shall certify generally thereon whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

Account to be sent by Collector to commanding officer. Endorsement by commanding officer.

Third.—When the account above-mentioned shall be returned to the Collector, he shall certify whether the sums and rates charged in it are in his opinion reasonable and conformable to the usual rates of labour and hire in the zila; and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel, to the Governor General in Council.[a]

Account and vouchers to be sent by Collector with his report to Governor General.[a]

After the account shall have undergone the examination and report prescribed for all military contingent charges, the Governor General in Council[a] will pass such final order as may appear proper.

In the meantime the Collector is empowered in such cases to pay the amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer or other person entitled thereto; inserting the amount so disbursed by him at the foot of his treasury-account, in explanation of his treasury-balance, in the mode prescribed for similar cases.

Collector may pay charge if reasonable.

5. *First.*—Whenever a proprietor, farmer, tenant or manager of land through which any detachment or corps of the Company's troops may march, or on which they may be encamped, shall consider himself entitled to compensation for any injury sustained from the march or encampment of the troops, he shall immediately furnish the commanding officer of such troops with as accurate a statement as can be prepared of the nature and extent of the injury sustained; when the commanding officer is required to certify generally thereon whether or not the damage represented to have been sustained has been actually committed, together with his opinion respecting the justice and extent of the claim.

Procedure for landholders, &c., sustaining injury, from march or encampment.

Certificate by commanding officer.

Second.—If the proprietor, farmer, tenant or manager, after receiving such certificate, shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim, with the commanding officer's certificate thereon, to the Collector of the zila (either in person or by his vakíl) within ten days from the date of the certificate; but no claim of this descrip-

Certificate with statement of claim to be presented to Collector within ten days.

[a] The powers of the Governor General in Council shall be exercised by the Chief Commissioner, Regulation No. III of 1877, schedule II.

tion shall be received by the Collector after the expiration of that period, unless the person preferring it shall assign good and satisfactory reason for the delay.

The Collector, on receiving a statement of damage and the commanding officer's certificate thereon within the prescribed period, or afterwards if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded; and shall report his proceedings to the Board of Revenue,[a] accompanied by his opinion on the merits of the claim, for the consideration and orders of Government.

It is however declared that no claim will be received, unless accompanied by the prescribed certificate of the commanding officer of the troops by whom the damage may be stated to have been committed; excepting in instances in which the claimant can show good and sufficient cause for not having obtained such certificate.

In such cases, if the Collector shall be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto previously to determining whether or not the claim be entitled to investigation.

Procedure by Magistrates on receiving notice mentioned in section 2.

6. Immediately on receiving the notification mentioned in section 2, the Magistrates shall transmit orders to the several Police-dároghas, or other local officers of the Police through whose jurisdiction the troops are to pass, to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions; and to co-operate, as far as necessary, with the person deputed on the part of the Collector in procuring the requisite supplies, as well as in adjusting any disputes which may arise respecting the prices of the articles furnished, and in preventing any alarm to the inhabitants of the country.

7. [*Omitted.*]

Police empowered, in cases of necessity, to assist travellers in prosecuting their route.

8. Whenever any military officer, not commanding nor proceeding with a corps or detachment of troops, or any other person (whether European or Native) not restricted by Government from passing through the country, may be proceeding within any part of the Company's Provinces, either on the public service or on his private affairs, and shall be in need of assistance during his route to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of Police, to aid him in providing any requisite

[a] The powers of the Board of Revenue shall be exercised by the Chief Commissioner, Regulation No. III of 1877, schedule II.

bearers, boatmen, carts or bullocks, or any necessary supplies of provisions or other articles.

Assistance how afforded.

On receiving an application of the above nature, the Police-officer to whom it may be made shall furnish the aid required, or cause it to be furnished by the proper person or persons; provided that a sufficient number of persons who have been accustomed to act as bearers or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture and occasionally let for hire, can be procured within his jurisdiction.

Persons and carts and bullocks not to be employed in furnishing assistance.

But all Police-officers are strictly forbidden, under pain of dismission from office, on applications of the above nature, to compel any persons not accustomed to act as bearers or boatmen to serve on such occasions, or to furnish a traveller, or cause him to be furnished, with bullocks or carts kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture.

Persons employed to be at liberty to return from first Police-station.

Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first Police-station in the next zila through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons.

Conditions of assistance to travellers.

The Police-officers are further enjoined to be careful that a proper compensation for the bearers, boatmen, carts or bullocks employed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto.

For this purpose, the Police-officers are authorized to adjust the rate of hire to be paid for the bearers, boatmen, carts or bullocks required, and the price of any articles provided; as well as to demand that the whole or a part, according to the circumstances of the case, be paid in advance.

Should any traveller refuse to comply with the adjustment or demand so made by a Police-officer, he will not be entitled to any assistance from the officers of Government under this Regulation.

REGULATION XVII OF 1806.

Passed on the 11th of September 1806.

A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto, contained in Regulation XV. 1793; also for a general extension of the period fixed by Regulations I. 1798 and XXXIV. 1803, for the redemption of mortgages and conditional sales of land, under deeds of bai-bil-wafa, katkabála or other similar designation.[a]

What shall entitle mortgagor or his representative to redeem before final foreclosure, after application by mortgagee for foreclosure.

7. In addition to the provisions made in the Provinces of Bengal, Bihár, Orissa and Benares, by Regulation I. 1798,[b] and in the Ceded and Conquered Provinces by Regulation XXXIV. 1803,[c] for the redemption of mortgages and conditional sales of land, under deeds of bai-bil-wafa, katkabála or any similar designation, it is hereby provided, that when the mortgagee may have obtained possession of the land on execution of the mortgage-deed, or at any time before a final foreclosure of the mortgage, the payment or established tender of the sum lent under any such deed of mortgage and conditional sale, or of the balance due, if any part of the principal amount shall have been discharged, or, when the mortgagee may not have been put in possession of the mortgaged property, the payment or established tender of the principal sum lent, with any interest due thereupon, shall entitle the mortgagor and owner of such property, or his legal representative, to the redemption of his property, before the mortgage is finally foreclosed in the manner provided for by the following section; that is to say, at any time within one year (Bengal, Faslí or Wiláiyati, according to the era current where the mortgage may take place) from and after the application of the mortgagee to the Zila or City Court of Díwání Adálat for foreclosing the mortgage and rendering the sale conclusive, in conformity with section 8 of this Regulation:

Provided that such payment or tender be clearly proved to have been made to the lender and mortgagee or his legal representative; or that the amount due be deposited, within the time above specified, in the Díwání Adálat of the zila or city in which the mortgaged property may be situated, as allowed for the security of the borrower and mortgagor, in such cases, by section 2, Regulation I. 1798,[d] and section 12, Regulation XXXIV. 1803,[e] the whole of the

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a Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

b, d See *supra*, p. 1.

c, e Repealed by Act No. XV of 1874.

provisions contained in which sections, as applied therein to the stipulated period of redemption, are declared to be equally applicable to the extended period of one year, granted for an equitable right of redemption by this Regulation.

Procedure for mortgagee or conditional vendee desirous to foreclose mortgage or render conditional sale absolute.

8. Whenever the receiver or holder of a deed of mortgage and conditional sale, such as is described in the preamble and preceding sections of this Regulation, may be desirous of foreclosing the mortgage and rendering the sale conclusive on the expiration of the stipulated period, or at any time subsequent before the sum lent is repaid, he shall (after demanding payment from the borrower or his representative) apply for that purpose by a written petition, to be presented by himself, or by one of the authorized vakíls of the Court, to the Judge of the zila or city in which the mortgaged land or other property may be situated.

The Judge, on receiving such written application, shall cause the mortgagor or his legal representative to be furnished, as soon as possible, with a copy of it; and shall at the same time notify to him, by a parwána under his seal and official signature, that if he shall not redeem the property mortgaged in the manner provided for by the foregoing section, within one year from the date of the notification, the mortgage will be finally foreclosed and the conditional sale will become conclusive.

REGULATION XIX OF 1810.

Passed on the 14th of December 1810.

A Regulation for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindú temples, colleges and other purposes; for the maintenance and repair of bridges, saráís, kattras and other public buildings; and for the custody and disposal of nazúl property or escheats.[a]

Preamble.

1. WHEREAS considerable endowments have been granted in land by the preceding Governments of this country and by individuals, for the support of mosques, Hindú temples, colleges and for other pious and beneficial purposes; and whereas there are grounds to suppose that the produce of such lands is in many instances appropriated, contrary to the intentions of the donors,

[a] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended. So much of Regulation XIX of 1810 as relates to endowments for the support of mosques, Hindú temples and other religious purposes, was repealed by Act No. XX of 1863, section 1.

to the personal use of the individuals in immediate charge and possession of such endowments; and whereas it is an important duty of every Government to provide that all such endowments be applied according to the real intent and will of the grantor; and whereas it is moreover essential to provide for the maintenance and repair of bridges, saráís, kattras and other buildings which have been erected either at the expense of Government or of individuals for the use and convenience of the public, and also to establish proper rules for the custody and disposal of nazúl property or escheats, the following rules have been enacted, to be in force from the period of their promulgation throughout the Provinces immediately dependent on the Presidency of Fort William.

Superintendence of lands granted for support of mosques, &c.

2. The general superintendence of all lands granted for the support of mosques, Hindú temples, colleges and for other pious and beneficial purposes, and of all public buildings, such as bridges, saráís, kattras and other edifices, is hereby vested in the Board of Revenue [a] and Board of Commissioners in the several districts subject to the control of those Boards respectively.

Appropriation of endowments.

3. It shall be the duty of the Board of Revenue [a] and Board of Commissioners to take care that all endowments made for the maintenance of establishments of the above description be duly appropriated to the purpose for which they were destined by the Government or individual by whom such endowments were granted. In like manner, it shall be the duty of those Boards to provide, with the sanction of Government, for the due repair and maintenance of all public edifices which have been erected, either at the expense of the former or present Government or of individuals, and which either at present are or can conveniently be rendered conducive to the convenience of the community.

Disposal of ruined buildings.

4. In those cases, however, in which any of the buildings in question have fallen to decay, and cannot, from that or other causes, be conveniently repaired, or are not calculated if repaired to afford any material accommodation to the public, the Boards [a] shall recommend that they be sold on the public account, or otherwise disposed of, as may appear most expedient.

Lands or public edifices not to be appropriated by individuals for private uses.

5. Under the foregoing rules, it will of course be incumbent on the Board of Revenue [a] and Board of Commissioners to prevent any lands which have been granted for the support of establishments of the above description from being converted to the private use of individuals, or appropriated in any other mode contrary to the intent and will of the donor; and likewise to prevent all public edifices from being usurped by individuals and falling into the possession and exclusive use of private persons.

6.—[*Repealed by Regulation XVII of 1816, section 16.*]

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[a] The functions of the Board of Revenue shall be discharged by the Chief Commissioner, Regulation No. III of 1877, schedule II.

7. The general superintendence of all nazúl property or escheats is likewise hereby vested in the Board of Revenue[a] and Board of Commissioners respectively, who will inform themselves fully through the channel hereafter mentioned of all property of that description, and report to Government whether it should in their opinion be sold on the public account; or in what other mode it should be disposed of.

Superintendence of nazúl property.

8. To enable the Board of Revenue[a] and Board of Commissioners the better to carry into effect the duties intrusted to them by this Regulation, local agents shall be appointed in each zila subject to the authority, control and orders of those Boards respectively.

Appointment of local agents.

9. The Collector of the zila shall be *ex officio* one of those agents, with whom the Governor General in Council will unite such other public officers, whether in the civil, military or medical branch of the service, as may from time to time be judged expedient.

Collector to be *ex officio* agent with others.

10. Under the provisions of the present Regulation, it will of course be the duty of the agents to obtain full information from the public records, and by personal inquiries, respecting all endowments, establishments and buildings of the nature of those above described, and of all nazúl property or escheats, and to report to the Board[a] to whose authority those agents are respectively subject, any instances in which they may have reason to believe that the lands or buildings are improperly appropriated; being in all cases careful not to infringe any private rights, or to occasion unnecessary trouble or vexation to individuals.

Agents to ascertain and report particulars of endowments, &c.:

11. The said agents will further ascertain and report the names, together with other particulars, of the present trustees, managers or superintendents of the several institutions, foundations or establishments above described, whether under the designation of mutáwali or any other, and by whom and under what authority appointed or elected, and whether in conformity to the special provisions of the original endowment and appropriation by the founder, or under any general rule or maxim applicable to such institutions and foundations.

Also names, &c., of present trustees or managers:

12. The local agents will also report to the superior Boards all vacancies and casualties which may occur, with full information of all circumstances, to enable the Boards[a] to judge of the pretensions of the person or persons claiming the trust; particularly whether the succession have been heretofore by inheritance in the line of descent, or whether the successor have been in former instances elected, and by whom, or whether he have been nominated by the founder, or his heir or representative, or by any other individual patron of

And all vacancies or casualties with full information as to pretensions of claimants.

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[a] The functions of the Board of Revenue shall be discharged by the Chief Commissioner, Regulation No. III of 1877, schedule II.

the foundation, or by any officer or representative of Government, or directly by the Government itself.

To recommend fit persons in cases where nomination vests in Government.

13. In those cases in which the nomination has usually rested with the present or former Government, or with a public officer, or of right appertains to Government, in consequence of no private person being competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local agents to propose, for the approval and confirmation of the superior Board,[a] a fit person or persons for the charge of trustee or manager and superintendent, duly attending to the qualifications of the person selected, and to any special provisions of the original endowment and foundation, and to the general rules or the known usages of the country applicable to such cases.

Board to appoint such persons, or make other provision for trust.

14. On the receipt of the report and information required by the preceding clause, the Board of Revenue[a] or Board of Commissioners will either appoint the person or persons nominated for their approval, or will make such other provision for the trust, superintendence and management, as may be right and fit with reference to the nature and conditions of the endowment, having previously called for any requisite further information from the local agents.

Saving of private rights.

15. Nothing contained in this Regulation shall be construed to preclude any individual who may conceive that he has just grounds of complaint on account of any orders which may be passed by any of the above-mentioned authorities, with respect to the appropriation of any lands or buildings of the nature of those above described, from suing, in the mode and form prescribed by the Regulations, where Government or public officers are parties; or under the general provisions of the Regulations if the suit be brought against a competitor or other private person, for the recovery thereof in the regular course of law, or for compensation in damages for any loss or injury supposed to have been unduly sustained by him.

Object of Regulation.

16. It is to be clearly understood, that the object of the present Regulation is solely to provide for the due appropriation of lands granted for public purposes agreeably to the intent of the grantor, and not to resume any part of the produce of them for the benefit of Government.

In like manner it is fully intended that all buildings erected by the former or present Government or by individuals for the convenience of the public, should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay, and cannot from that or any other cause be conveniently repaired, or which, under existing circumstances, can no longer contribute to the accommodation of the community.

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[a] The functions of the Board of Revenue shall be discharged by the Chief Commissioner, Regulation No. III of 1877, schedule II.

REGULATION XX OF 1810.

Passed on the 29th of December 1810.

A Regulation for subjecting persons attached to the military establishments to Martial-law in certain cases, and for the better government of the retainers and dependents of the Army receiving public pay on fixed establishments, and of persons seeking a livelihood by supplying the troops in garrison, cantonment and station military bázárs, or attached to bázárs of corps.[a]

1, 2, 3.—[*Omitted.*]

4. Menial servants of officers within the precincts of any cantonment, garrison or military station or military bázár, although they shall not be in the receipt of public pay, shall at all times be subject to all such Regulations as shall be made by the commanding officer or other competent authority, for the maintenance of good order in such cantonment, garrison, station or bázár, and shall be liable to be tried by a Native court-martial for any breach thereof.

Menial servants of officers, liable to trial by courts-martial.

5.—[*Repealed by Act No. XVI of 1874.*]

6.—[*Omitted.*]

7. The names of all persons having houses, shops or other buildings or fixed places within the limits of the garrison, cantonment or station in which they carry on trade, or otherwise seek a livelihood by supplying or serving the troops, shall be entered in a register to be kept in the office of the Brigade-Major or other station-staff-officer, and to be open to inspection at all reasonable hours.

Names of residents within cantonments, &c., to be registered in office of Brigade-Major or other officer.

The name of each person shall be entered both in English and in the language and character commonly used in the district in which the station is situated, and the occupation of the person written opposite to it, in like manner, with the place of his residence and the date of the registration.

8. No person shall be registered as attached to the station-búzár without his free consent, and any person so registered shall be entitled at any time to demand his discharge from the registry.

Rules as to registered persons.

Persons registered shall be entitled to the privileges of registry so long only as they continue to carry on trade or other employment relating to the supply or service of the troops, at some house, shop or fixed place within the

[a] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

limits above-mentioned, and shall be subject during such time to all regulations made by the commanding officer or other competent authority, for the maintenance of good order and fair dealing in the station-bázár, and shall be liable to be tried by a Native court-martial for any breach thereof.

Persons attached to bázárs of corps to be registered in book kept at head-quarters.

9. The names of all persons attached to bázárs of corps shall, in like manner, be registered in a book, which shall be kept at the head-quarters of the corps and shall be open to inspection at all reasonable hours; the entries shall be made in the same manner, in all respects, as those in the registers of station-bázárs.

Rules as to such persons.

10. No person shall be registered as attached to the bázár of a corps without his free consent, and any person so registered shall be entitled at any time to require his discharge; except when the corps is on actual service, or there is an immediate prospect of its being ordered to march, in which cases it shall be in the discretion of the commanding officer to withhold such discharge so long only as the immediate exigency of the public service requires.

Persons entitled to privileges of registry.

11. No person registered as attached to the bázár of a corps shall be entitled to any of the privileges of such registry, except those who ordinarily carry on the trade or employment in respect of which they are registered, within the place allotted or commonly used for the bázár of the corps when it is stationary.

Registered persons liable to local regulations.

12. All persons registered as attached to bázárs of corps shall, while they continue so attached, be subject to such regulations as shall be made by the commanding officer or other competent authority, for the maintenance of good order and fair dealing in the bázár, and for the prompt and efficient execution of such services as belong to their respective occupations.

13 to 18.—[*Repealed by Act No. XXII of 1864.*]

Execution of process of arrest, civil or criminal, within military stations.

19. In all cases in which it may be necessary to execute any process of arrest, criminal or civil, within the limits of a garrison, cantonment, military station or military bázár (the process of the Supreme Court only excepted), the officers intrusted with the execution of such process of arrest shall in the first instance carry the same to the commanding officer, or if he shall happen to be absent, to the senior officer actually present in the garrison, cantonment or station;

and the commanding officer, or such senior officer, upon such process being produced to him, shall back the same with his signature and shall forthwith use his utmost endeavours to cause the person or persons named in such process to be discovered, and if within the limits of the garrison, cantonment, station or bázár, to be arrested and delivered according to the exigency of the process, to the civil officer charged with the execution thereof;

Rule not to

but nothing herein contained is to be construed to prevent the service by

the civil officer, in the usual way, of summonses, subpœnas or other process of mere citation without arrest.[a]

extend to service of process short of arrest.

20.—[*Omitted.*]

21.—[*Repealed by Act No. XXII of 1864.*]

22 to 25.—[*Repealed by Act No. XI of 1841.*]

26. Nothing in this Regulation is to be construed to give any authority to commanding officers to dispossess proprietors of land or houses which may be situated within the limits of military bázárs, although such persons shall refuse to be registered as attached to the bázár, or shall have lost, or forfeited, or resigned their privilege of registry.

Commanding officers not to dispossess proprietors of land or houses within military bázárs.

In all cases in which the ground allotted to those bázárs, or any part of it, is the property of Government, and the occupation of individuals has been declared by Government merely permissive, the commanding officer is empowered to make such general regulations as he may think fit (subject to the approbation of the Governor General in Council) respecting the tenure or occupation of houses, shops or other fixed places situated upon such ground as belongs to Government; which regulations shall in all cases be reduced to writing, and shall, after receiving the approbation of the Governor General in Council, be published in station-orders, with a translation in the language commonly used in the district; and the same shall not be of force until fourteen days after they shall have been so published within the limits of the station-bázár.

Rules as to lands the property of Government within those bázárs.

REGULATION XI OF 1812.

Passed on the 18th of July 1812.

A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.[b]

1. WHEREAS considerable bodies of persons, being Natives of Arakan and

Preamble.

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[a] So much of this section as relates to civil process repealed by Act No. X of 1877.

[b] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

ordinarily denominated Muggs, have from time to time emigrated from that country and established themselves in that part of the district of Chittagong which lies contiguous to the Arakan frontier;

and whereas numbers of those persons, or of their descendants, abusing the protection which had been afforded to them in the British territories, have excited disturbances and even levied war in the country of Arakan against the Government of Ava, of which State Arakan is now a dependency, and have conducted themselves in a manner manifestly tending to disturb the relations of amity which subsist between the British Government and the Government of Ava;

and whereas it is, in consequence, necessary that the Governor General in Council should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier of the territory of Arakan, or any other bodies of aliens, or their descendants, from the vicinity of the country from which they may have emigrated, and likewise to detain in confinement any of those persons, or any other individuals being Natives of foreign countries, or their descendants, for offences of the above nature actually committed by them in the territories of the State from which they may have emigrated;

and whereas it is necessary to make provision for the trial of persons committing, or aiding in the commission of, the said offences, the following rules have been passed, to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Power to order removal of emigrants to parts of country deemed convenient.

2. Whenever the Governor General in Council, upon due investigation, shall be satisfied that the emigrants from Arakan, or emigrants from any other State, who may have sought an asylum in the British territories, or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the State from which they or their ancestors may have emigrated, it shall be competent to the Governor General in Council to order the removal of those persons to such other part or parts of the country as may be judged most convenient for their future residence.

In like manner, it shall be competent to the Governor General in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that State and the British Government.

Emigrants allowed to

3. Whenever any body of emigrants, or any individuals belonging to such body, shall be ordered to be removed from the part of the country in which

they may have been established, they shall be allowed to dispose of any property which they may have acquired in such manner as they may judge proper:

dispose of property.

Provided, however, that if they shall nevertheless retain the right to any real property at the period of their actual removal, it shall be competent to the Governor General in Council to order such property to be sold by public auction under the superintendence of the Collector of the district.

In that case, the nett proceeds of the sale shall be duly paid to the person or persons to whom the said property belonged.

Power to order leaders or other emigrants to be apprehended and kept under restraint.

4. In cases in which the Governor General in Council may, on due inquiry and matured deliberation, be satisfied that either the preservation of the tranquillity of the British territories, or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other States, requires that any of the leaders or other persons of the above description, who may have committed the offences mentioned in section 2 of this Regulation, should be placed and detained under restraint, it shall be competent to the Governor General in Council to order any such persons having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement at such place, and under the custody of such public officer, and detained in confinement for such time, as may be deemed by the Governor General in Council necessary for the public good.

Punishment for emigrants or their descendants exciting disturbances in countries from which they emigrated.

5. *First.*—Any persons of the above description, or their descendants, who, while living under the protection of the British Government, shall enter the country from which they or their ancestors may have emigrated, or any other foreign country, and shall excite, or attempt to excite, disturbances in the said countries, shall be liable to be brought to trial for that offence, and, if convicted, shall be sentenced to suffer imprisonment for the period of seven years.

Punishment for persons aiding or assisting in attempts to excite such disturbances.

Second.—Any persons, whether Native British subjects or aliens, who shall furnish emigrants from foreign countries with any assistance, either of men, money or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated, or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be liable to be brought to trial for that offence, and, if convicted, shall be sentenced to suffer imprisonment for the term of seven years;

Proviso.

provided, however, that if the Judge by whom the case may be tried shall be of opinion that the punishment established by this and the preceding clause should in any instance be mitigated, he shall submit the proceedings held on the trial to the Nizámat Adálat,[a] who will recommend to the Governor General

[a] The powers of the Nizámat Adálat shall be exercised by the Chief Commissioner, Regulation No. III of 1877, schedule II.

in Council such alleviation of the prescribed punishment as they may judge proper;

provided, moreover, that no sentence or order which may be passed on the trial of any persons under the provisions of the present Regulation shall be competent, or shall be construed, to preclude the Governor General in Council from the exercise of the power vested in the Government by section 4 of the said Regulation.

REGULATION III OF 1818.

Passed on the 7th of April 1818.

A Regulation for the confinement of State Prisoners.[a]

Preamble.

1. WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint, individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper;

and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor General in Council;

and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life and to his own wants and those of his family;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamíndárs, taluqdárs and others situated within the territories dependent on the Presidency of Fort William, should be attached

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[a] Declared, by Regulation No III of 1877, to be in force throughout the territories under the administration of the Chief Commmissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s 1, have been extended.

and placed under the temporary management of the Revenue-authorities, without having recourse to any judicial proceeding;

and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government;

the Vice-President in Council has enacted the following rules, which are to take effect throughout the Provinces immediately subject to the Presidency of Fort William, from the date on which they may be promulgated.

Proceeding for placing persons under restraint as State prisoners.

2. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant.

Second.[a]—The warrant of commitment shall be in the following form:—

To the [*here insert the officer's designation.*]

"Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that [*here insert the State prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*], you are hereby required and commanded, in pursuance of that determination, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Regulation III of 1818.

"Fort William, the

"By order of the Governor General in Council,

"*A. B.*, Chief Secy. to Govt."

Authority of warrant.

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the territories subject to the Presidency of Fort William.

Officers having custody of State prisoners, to submit periodical reports.

3. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State pris-

4. *First.*—When any State prisoner is in the custody of a zila or city

[a] See Act No. XXXIV of 1850.

oners in custody of zila or city Magistrate by whom to be visited.

Magistrate, the Judges are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head.

State prisoners in custody of public officer not being zila or city Magistrate, by whom to be visited.

Second.—When any State prisoner is placed in the custody of any public officer not being a zila or city Magistrate, the Governor General in Council will instruct either the zila or city Magistrate, or the Judge or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Representations by State prisoners to be submitted to Government.

5. The officer in whose custody any State prisoner may be placed, is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor General in Council.

Report to Government regarding confinement, &c., of prisoners.

6. Every officer in whose custody any State prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council, whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Appropriation of allowance for support.

7. Every officer in whose custody any State prisoner may be placed, shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

8.—[*Repealed by Act No. XVI of 1874.*]

Attachment of estates by order of Government without decision of Court.

9. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zamíndár, jágírdár, taluqdár or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the Resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated,[a] to the Sadr Díwání Adálat and Nizámat Adálat.

Management of attached estates.

10. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjudged on the same principles as those of other estates held under khás management.

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[a] Sic. Read "and to."

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Attached lands not liable to sale in execution.

Third.—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the civil Courts.

Government to arrange for satisfaction of decrees.

11. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue-authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

Rules as to cases where Government orders release of estate from attachment.

REGULATION VI OF 1825.

Passed on the 4th of April 1825.

A Regulation for rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.[a]

1. WHEREAS it is enacted in the first clause of section 3, Regulation XI. 1806, that on receiving the notification mentioned in the preceding section, relative to a body of troops about to proceed, by land or by water, through any part of the Company's territories, the Collector of the district shall immediately issue the necessary orders to the landholders, farmers, tahsíldárs or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nálás as may intersect their march without impediment or delay; it being at the same time further directed, in the second clause of the section referred to, that the supplies so furnished shall be paid for by the persons receiving the same at the current bázár-prices of the place at which they may be provided, and that the expense incurred for crossing the troops and their baggage over rivers or nálás, after being duly ascertained, will be paid by Government;

Preamble.

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[a] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

and whereas experience has shown the necessity of enabling the Collectors or other public officers acting in that capacity, to enforce their orders in the cases above-mentioned, by imposing a fine upon any landholder, tahsíldár or other person in the possession or management of land, who, after receiving the requisition issued in pursuance of the section above cited, may be proved to have wilfully disobeyed or neglected the same; the Governor General in Council has therefore enacted the following rules, to be in force as soon as promulgated in all the Provinces immediately subject to the Presidency of Fort William.

Penalty for zamíndárs not providing supplies for troops, &c.

2. Any landholder, farmer, tahsíldár or other person in the possession or management of land, who may have been duly required by a Collector of the land-revenue (or any public officer acting in that capacity), in pursuance of section 3, Regulation XI. 1806,[a] to provide supplies for a body of troops about to proceed by land or water through any part of the British territories, or to make preparations of boats, temporary bridges or otherwise, for enabling the troops to cross rivers or nálás intersecting their march; and after the receipt of such requisition shall wilfully disobey or neglect the same, or shall without sufficient cause fail to exert himself for the due execution of the duty so assigned to him, shall, on proof of such failure, neglect or disobedience, to the satisfaction of the Collector (or other officer acting in that capacity) by whom the order may have been issued, or of his successor in the same office, be liable to a fine proportionate to the defaulter's condition in life and the circumstances of the case, in such amount as the Collector or other officer, with due regard to these considerations, may judge it proper to impose, so that the fine shall not in any case exceed the sum of one thousand sikká rupees.

Collector to make summary inquiry.

3. The Collector or other officer acting in that capacity, who may exercise the powers vested in him by this Regulation, shall previously make a summary inquiry, in the presence of the party charged with disobeying or neglecting the order issued to him, or of his representative, if, on being duly summoned, he shall attend in person or by vakíl for that purpose;

if he shall fail to attend, either in person or by vakíl, the summary inquiry shall be conducted *ex parte*, and the Collector shall record upon his proceedings the whole of the evidence obtained in proof of the neglect or disobedience for which a fine may be imposed.

Fine how levied.

4. The Collector or other officer who may adjudge a fine under this Regulation, shall be competent to levy the amount by the same process as is authorized for the recovery of arrears of the public revenue:

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[a] See *supra*, p. 7.

Provided that if an appeal be preferred from his decision, within six weeks from the date of it, to the Board of Revenue[a] in whose jurisdiction the district may be situate, and sufficient security be tendered for performing the judgment of the Board upon the appeal, the Collector shall stay the execution of his order for levying the fine imposed by him, until he shall receive the final order of the Board. Proviso as to appeal.

5. Appeals from the orders of Collectors or other public officers, adjudging fines under this Regulation, may be preferred either immediately to the proper Board, or through the officer by whom the fine may have been adjudged; and, on admission of the appeal, the whole of the proceedings in the case shall be transmitted to the Board.[a] Petition of appeal against fine.

But no such appeal shall be receivable after the expiration of six weeks from the date of the judgment, without proof of sufficient reason for the delay, to the satisfaction of the Board[a] by whom the case may be cognizable. Limitation of appeal.

REGULATION XX OF 1825.

Passed on the 3rd of November 1825.

A Regulation for declaring the jurisdiction of the military Courts-martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto.[b]

1. BY an Act of Parliament passed in the fourth year of the reign of his present Majesty King George the Fourth, entitled "An Act to consolidate and amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the East India Company," provision is made for the trial by courts-martial of European British subjects, either actually serving as officers or soldiers or otherwise attached to the army, when accused of murder, rape, robbery, theft and other offences committed in a foreign territory, or at any place within the territories subject to the Presidency of Fort William, situate at a greater distance from that Presidency than one hundred and twenty miles, as well as for investing military Courts of Requests constituted according to the provisions of the aforesaid Act with the cognizance of actions of debt and all personal actions to an amount not exceeding four hundred rupees, against Preamble.

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[a] The powers of the Board of Revenue shall be exercised by the Chief Commissioner, Regulation No III of 1877, schedule II.

[b] Sections 1 and 2 of this Regulation were declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

any British commissioned or non-commissioned officer or soldier, or other persons amenable to the provisions of the Act, at places situated beyond the jurisdiction of the Court of Requests in Calcutta;

it has in consequence become necessary to rescind or modify certain parts of the Regulations in force which relate to the apprehension or trial of British subjects accused of criminal offences, and to the cognizance of petty offences and actions of debt by a military tribunal;

the following rules have been accordingly enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

Procedure as to European British subjects attached to army serving within certain limits, when apprehended by Magistrates on criminal charges.

2. *First.*—In modification of the rules contained in Regulation II. 1796, section 19, Regulation VI. 1803[a] and Regulation XV. 1806,[b] it is hereby provided that if any European British subject who shall be apprehended by or brought before a Magistrate on a charge of murder, rape, robbery, theft or other criminal offence, shall be found, on his apprehension, to have been, at the time when the offence laid to his charge may have been committed, a commissioned or non-commissioned officer or soldier serving with any body of troops in the service of His Majesty or of the Honourable East India Company, at any place not within the territories subject to the Presidency of Fort William, or at any place within such territories which may be situated above one hundred and twenty miles from the aforesaid Presidency, or to have been, when the offence was committed, a person attached to such body of troops in any of the capacities specified in sections 45 and 60 of Statute 4 Geo. IV, cap. LXXXI,[c] it shall be the duty of the Magistrate by whom such person so accused may be apprehended, instead of proceeding to hear evidence to the charge as directed in such cases in the Regulations above-mentioned, to deliver over such person so charged, together with a statement of the charge brought against him, to the commanding officer of the regiment, corps or detachment to which such accused person shall belong, or to the commanding officer of the nearest military station, for the purpose of his being brought to trial before a court-martial under the provisions of the said Act of Parliament.

Magistrates to assist in apprehension of persons triable by court-martial, when accused of criminal offences.

Second.—It shall further be the duty of every Magistrate, on a written application being made to him for that purpose by the commanding officer of any regiment, corps or detachment stationed or employed as specified in the preceding clause, to use his utmost endeavour for the apprehension of any British officer, non-commissioned officer, soldier or other person of the description therein alluded to, who may have been charged with the crime of murder,

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[a] Repealed by Act No. VIII of 1868. [b] Repealed by Act No. XVII of 1862.
[c] Repealed by 3 & 4 Vic., c. 37, s. 59.

rape, robbery, theft or other criminal offence, and also to give his assistance, and that of the officers under his control, in securing the person so accused.

Third.—It is hereby declared that it shall be competent to the Judge-Advocate-General or Deputy Judge-Advocate, or other person appointed to conduct the proceedings of any court-martial assembled for the trial of offences under the provisions of the said Act of Parliament, to transmit to the Magistrate of the zila or city within whose jurisdiction persons whose attendance before such court-martial is required may reside, any warrant, summons or other process for the attendance of such person;

Magistrates to enforce process for attendance of witnesses, &c., before courts-martial, on application.

and it shall be the duty of such Magistrate who may be so applied to, to give his assistance and that of the officers under him in the due execution of such process, and generally to aid and assist in the execution of all processes issued by such courts-martial.

Fourth.—The several zila and city Magistrates are hereby prohibited from receiving and inquiring into any criminal charge of the nature described in section 2 of Statute 4 Geo. IV, cap. LXXXI, which may be preferred to them against any British commissioned or non-commissioned officer, soldier or other person attached to the army, who may have been regularly brought to trial under the provisions of the said Act, and acquitted or convicted by the sentence of a court-martial of such offence;

Magistrates not to inquire into criminal charges preferred against certain British subjects.

provided, however, that in any case wherein it may be ascertained by the Magistrate on due inquiry that any person accused of such criminal offence, who may be subject to trial by court-martial, has not been brought to trial for such offence before a court-martial, and that no effectual proceedings have been taken, or have been ordered to be taken, against him, then and in that case it shall be the duty of the Magistrate to report the circumstance for the information and orders of the Governor General in Council, who, if it appear to him proper so to do, will direct the case to be proceeded upon in the ordinary course of law; and the Magistrate, if so authorized, shall be competent to proceed against the offender under the provisions of the Regulations hitherto in force.

Fifth.—Provided always, and it is hereby declared, that nothing contained in the foregoing clauses shall be held to restrict the Magistrates of districts, either in their ordinary capacity of Magistrates or as His Majesty's Justices of the Peace duly qualified, from proceeding under the rules heretofore in force against all British subjects charged with criminal offences, who may not be attached to the army or subject to be tried for such offences by a court-martial.

Proceeding against British subjects accused of criminal offences when not attached to army or triable by court-martial.

Sixth.—It is hereby further declared that the provisions of this Regulation, as far as the same relate to criminal offences committed by any commissioned

Provisions not to apply to troops in Fort

William or at other place not situated above 120 miles from Presidency.

or non-commissioned officer, soldier or other person attached to the army, being British subjects, shall not be held to apply or be in force when such offences shall be committed by persons of the above description, attached to any body of troops which may be stationed in the garrison of Fort William, or at Barrackpur, Mednípur, Dam-Dam or at any other place within the territories under the Presidency of Fort William, which may not be situated at a greater distance than one hundred and twenty miles from the said Presidency;

and in all such places, the powers and authorities vested by law in the Magistrates and Justices of the Peace shall continue to be and remain in full force and effect.

REGULATION V OF 1827.

Passed on the 27th of December 1827.

A Regulation for modifying the rules at present in force for the management of estates under attachment by orders of the Courts of Justice in certain cases.[a]

Preamble.

1. WHEREAS it is expedient in all cases of the attachment of landed property under orders of the Courts of Justice, that the management of the estate attached should be placed under the superintendence of the Collectors of land-revenue, the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

Modification of Regulations as to management of attached estates.

2. The rules contained in sections 5 and 6, Regulation V. 1799,[b] regarding the administration and management of estates under orders of the Zila Courts, are hereby declared subject to the following modifications.

Issue of precept for holding estates under attachment and for appointing managers.

3. Whenever the Zila Courts may deem it just and proper, under the provisions of the several Regulations above-mentioned, to provide for the administration or management of landed property, the Court shall issue a precept to the Collector of land-revenue of the district wherein the estate may be situated, directing him to hold the estate in attachment, and to appoint a person for the due care and management of the estate, under good and adequate security for the faithful discharge of the trust, in a sum proportionate to the extent thereof;

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[a] Declared, by Regulation No. III of 1877, to be in force throughout the territories under the administration of the Chief Commissioner of Ajmer, and to which the provisions of 33rd Vic., c. 3, s. 1, have been extended.

[b] See *supra*, p. 4.

provided, however, that if any person holding an interest in the estate shall be dissatisfied with the selection made by the Collector of the individual to perform the duty in question, or with the conduct of the manager at any time after his appointment, it shall be competent to such person to represent his objections to the Board of Revenue,[a] and the Board will either confirm the manager chosen, or order the Collector to appoint another person, as on consideration of the circumstances of the case may appear reasonable and proper.

Precept to state property included in attachment.

4. The precept of the Zila Court above-mentioned shall state specifically the property to be included in the attachment, and the attachment shall not be withdrawn without a further precept from the Court to that effect.

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[a] The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner, Regulation No. III of 1877, schedule II.

PART II:

THE LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN AJMER AND MERWÁRA.

ACT No. XX OF 1856.

Received the Governor General's assent on the 14th of November 1856.

An Act to make better provision for the appointment and maintenance of Police chaukídárs in cities, towns, stations, suburbs and bázárs in the Presidency of Fort William in Bengal.

WHEREAS it is expedient to make better provision for the appointment and maintenance of Police chaukídárs in cities, towns, stations, suburbs and bázárs in the Presidency of Fort William in Bengal; It is enacted as follows:— Preamble.

1. The monthly assessment levied under Regulation XXII. 1816,[a] and Act XV of 1837[b] in any city or station at the time of the passing of this Act, shall continue to be levied until the same shall be revised and altered under the provisions of this Act. Existing assessment to be levied until revised.

2. The provisions of this Act shall have effect in all cities, stations, towns, suburbs and bázárs in the said Presidency to which the Local Government may, at any time, extend the same by notification in the official Gazette: Provided always that this Act shall not be extended to any agricultural village. To what places Act shall apply.

In all places in which this Act is now in force, it shall be deemed to have been extended under the provisions of this section.[c]

3. The Government may, by notification to be published in the official Gazette, unite, for the purposes of this Act, any city, town, suburb, station or bázár, or any part or parts of a city, town, suburb, station or bázár, with any other city, town, suburb, station or bázár, or part or parts of a city, town, suburb, station or bázár; and in such case all the provisions of this Act applicable to a city, town, suburb, station or bázár shall apply to such union. Unions may be formed.

[a, b] Repealed by this Act.
[c] See Act No. XXII of 1871.

Government may define limits of cities, towns, &c.

4. For the purposes of this Act the Local Government may define and declare the limits of any city, town, suburb, station, bázár or union, and all occupiers of houses within any such city, town, suburb, station, bázár or union as aforesaid, or within such limits as shall be so defined as aforesaid, shall be liable to be assessed or rated according to the provisions of this Act, for the purpose of maintaining the chaukídárs appointed to be maintained in such city, town, station, suburb, bázár or union.

Houses let to lodgers how assessed.

5. If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall, for the purposes of this Act, be deemed to be the occupier of such house.

Penalty for removing, &c, name of street or number of house.

6. The Magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house in any street or mahalla, for the purpose of identifying such house; and if any person shall wilfully remove, obliterate or destroy such name or number, he shall be liable, on conviction by a Magistrate, to a fine not exceeding twenty rupees.

Magistrate to determine number of chaukídárs. Proviso.

7. The Magistrate shall determine the number of chaukídárs to be maintained in any city, town or other such place as aforesaid; but the number of chaukídárs so to be maintained shall not exceed one to every twenty-five houses.

Grades and wages of chaukídárs.

8. The chaukídárs appointed under this Act may be of different grades, and the wages to be paid to the several grades shall be determined by the Magistrate.

Magistrate to determine sum to be raised annually.

9. The Magistrate shall determine the total amount required to be raised in any year in any city, town or other such place as aforesaid, for the purpose of maintaining the chaukídárs appointed to be maintained therein, and for the purposes specified in sections 33, 34, 35 and 36 of this Act, together with such sum as the Magistrate may consider necessary to provide against the contingency of losses from defaulters in the current year, and the amount of losses, if any, actually sustained from defaulters in the preceding year.

Nature of tax to be levied

10. The tax to be levied in any city, town or other place as aforesaid, for the purposes of this Act, may be either an assessment according to the circumstances and the property to be protected, of the persons liable to the same, or a rate on houses and grounds according to the annual value thereof.

The Local Government, on the report of the Magistrate and Commissioner of Circuit, shall determine in each case whether the tax to be levied shall be such assessment or such rate.

11. If the tax be an assessment according to the circumstances and the property to be protected of the persons liable to the same, the amount assessed in respect of any one house shall not be more than the pay of a chaukídár of the lowest grade.[a] If the tax be a rate on houses and grounds, it shall not exceed five per centum of the annual value thereof. Limitation of tax.

12. For the purpose of making a rate under this Act, the annual value of the houses and grounds liable to the rate shall be computed and ascertained upon an estimate of the gross annual rent at which the same might reasonably be expected to let from year to year. Rate how to be ascertained.

Grounds used for purposes of trade shall be liable to the rate, but grounds used for the purpose of cultivation or for depasturing cattle shall not be liable.

13. The Magistrate may, at his discretion, exempt from the assessment or rate, or may relieve from the payment of his assessment or rate, any occupier who may be unable from poverty to pay the same. Magistrate may exempt occupiers unable to pay.

14. For the purposes hereinafter mentioned, the Magistrate shall constitute and appoint a pancháyat for each such city, town or other place as aforesaid, or, when he may see fit to divide any such city, town or place into convenient divisions, for each division thereof, and shall issue a sanad of appointment, specifying the names, residence, business or other description of the persons appointed and the period for which the appointment is made. Constitution of pancháyats.

Every pancháyat shall consist of three or five respectable persons residing or carrying on business in or near to any such city, town or other place, or in or near to any such division thereof:

Provided that, instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the pancháyat, notwithstanding such person may not reside or carry on business in or near to such city, town or other place, or in or near to any such division thereof. Magistrate may appoint non-resident person to be a member.

15. The pancháyat so appointed, or the majority of them, shall, once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment or rate upon the several persons liable to be assessed or rated in respect of their occupation of property within the district (whether city, town or other place as aforesaid, or any division thereof) for which the pancháyat shall be appointed, and shall enter the same in a list which shall specify the names of the several occupiers of property within the district liable to be assessed or rated under the provisions of this Act, the trade, business or other description of such occupier, the property occupied and the amount payable monthly by such occupier. Duties of pancháyat.

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[a] See Act No. XXII of 1871, section 2.

If the tax be a rate on the annual value of the property occupied, such annual value and the total amount of the annual rate shall also be specified.

Magistrate's requisition.

The requisition of the Magistrate to the pancháyat to make out such list shall be in the form marked A or B, as the case may be, set forth in the appendix to this Act annexed, or to the like effect.

Pancháyat may revise existing assessment or rate.

16. The pancháyat shall, if required by the Magistrate so to do, instead of making a new assessment or rate, revise and amend the assessment or rate then in force.

Magistrate may amend and settle assessment or rate as revised.

17. When an assessment or rate shall have been made or revised, as the case may be, the pancháyat shall forward to the Magistrate the list containing the same; and the Magistrate shall revise, and, if necessary, amend and settle it.

Assessment or rate to be published.

18. When the assessment or rate shall have been settled, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification prepared according to the form marked C in the appendix to this Act, or to the like effect, and written in the language of the Province in which the city, town or place is situate, to be stuck up in some conspicuous place in the district for which the assessment or rate has been made; and another copy, together with a like notification, at the nearest Police-tháná; and shall also cause a third copy to be deposited in his own office.

Assessment or rate to stand good for one year.

Effect of change of occupation before new assessment or rate.

19. Unless revised or corrected as hereinafter provided, every assessment or rate under this Act shall stand good for one whole year, and until a new one is made, and in case the occupier of any property included in any assessment or rate shall be changed before a new one is made, the new occupier shall be liable in respect of such property for any portion of the assessment or rate which shall have become payable during his occupation instead of the former occupier thereof; and, after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupier.

Revised assessment or rate deemed new.

Every assessment or rate which shall be revised according to the provisions of section 16 shall be deemed a new assessment or rate.

Continuance of assessment of past year.

Provided always, that, if no new assessment or rate is made within the first three months of any year, the list of the previous year shall be republished according to the provisions of section 18, and shall thereupon be deemed to be the assessment or rate for the current year, and shall be open to appeal under the next succeeding section.

Appeal from assessment or rate.

20. Any person assessed or rated, who shall be dissatisfied with his assessment or rate, or who shall dispute his occupation of any property, or his liability to be assessed or rated, may appeal on unstamped paper to the Magistrate,

and the Magistrate, after making such inquiries as he deems necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or rate or amend the same.

In case the Magistrate confirm the assessment or rate, he may award costs against the appellant. **Award of costs.**

The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment or rate, nor shall the liability of any person to be assessed or rated be questioned in any other manner or by any other Court: **Decision on appeal. Bar of jurisdiction.**

Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment or rate prescribed by section 18, or of the notification of the substitution of the name of an occupier under section 19, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal. **Limitation of appeal.**

21. The Commissioner of Circuit, with the consent of the Local Government, may at any time direct the Magistrate to revise the assessment or rate of any city, town or other place as aforesaid, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise and, if necessary, amend the same. **Commissioner may direct revision of assessment or rate.**

22. The Magistrate may require the panchâyat to revise the assessment or rate at any period during the year; but on every such occasion he shall address a written order to the panchâyat, specifying the reasons which render such revision necessary, and requiring an amended return within a stated period. **Magistrate may direct revision at any time of year, for reasons stated.**

23. Whenever any assessment or rate is revised during the year as provided in the two last preceding sections, a revised list, together with a notification as prescribed in section 18, shall be prepared and published in the manner therein directed. **Publication of assessment or rate as revised.**

And all objections to such revised assessment or rate shall be made and dealt with in the manner prescribed in section 20. **Objections.**

24. If any person appointed a member of a panchâyat refuse to undertake the office, or omit to perform the duties thereof, and do not, within fifteen days from the date of his appointment, shew satisfactory grounds for his refusal or omission, or provide such a substitute as the Magistrate approves, the Magistrate may fine such person in a sum not exceeding fifty rupees. **Penalty for refusal to serve on panchâyat.**

25. If the persons appointed a panchâyat, or a majority of them, refuse or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment or rate, and may enforce the same as if it had been made or revised in the first instance by the panchâyat: **If panchâyat refuse or omit to act, Magistrate may assume their functions.**

Proviso.

Provided that the functions of the pancháyat shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this section.

Residents only bound to act on pancháyat.

26. No person shall be bound to act on a pancháyat unless he shall reside or carry on business within the limits of the district for which the pancháyat is to be appointed.

Duration of pancháyat and limitation of service thereon.

27. Every pancháyat shall be appointed for the period of one year, and no person shall be compelled to serve on a pancháyat for more than one year at a time, or within less than three years after the expiry of previous service; but nothing in this section shall prevent any person from being appointed to serve on a pancháyat at any time whatsoever with his own consent.

Member of pancháyat removeable only on application of rate-payers.

28. If a majority of the persons assessed or rated in any district for which a pancháyat shall be appointed, not being in arrear, make application in writing to the Magistrate for the removal of any member of the pancháyat appointed for such district, the Magistrate, if he think it expedient, may remove such member from the pancháyat.

Vacancies in pancháyat how supplied.

29. If any vacancy shall occur among the members of a pancháyat, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may nominate and appoint another person to supply the vacancy or to act in the stead of such member, subject to the rules already laid down as to the original appointment of members; but such appointment may be made by a written communication to the person appointed, and it shall not be necessary to issue a new sanad under section 14 of this Act.

Pancháyat to report misconduct of chaukídárs, or death or absence.

30. The pancháyat shall give notice to the Magistrate of any neglect or misconduct on the part of any chaukídár within the district for which they are appointed, which shall come to their knowledge; and shall also give notice of any vacancy which shall occur in consequence of the death or absence of any chaukídár or from any other cause.

Appointment and duty of sadr pancháyat.

31. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sadr pancháyat consisting of not less than five members, who may be selected either from the members of the local pancháyats or from any other residents of the city or town.

It shall be the duty of the sadr pancháyat to assist the Magistrate, when required so to do, in carrying out generally the objects of this Act, and particularly in revising the assessment or rate made by the district pancháyats and enquiring into and reporting on appeals preferred against the same.

Appointment and registry of chaukídárs.

32. The chaukídárs to be employed under this Act shall be appointed by the Magistrate, and the Magistrate shall cause to be kept a register in which shall be entered the name, age, place of residence and previous occupation of every person so appointed, with the date of his appointment.

33. Subject to the approval of the Commissioner of Circuit, the Magistrate may appoint such number of jamadárs and inspectors as may be necessary for the supervision and control of the chaukídárs : Appointment of jamadárs and inspectors.

Provided that the number of these officers shall not be greater than one jamadár to fifteen chaukídárs, and one inspector to sixty chaukídárs. Their number.

34. Subject to the approval of the Commissioner of Circuit, the Magistrate may appoint one or more tax-collectors or dároghas, and such other servants as may be necessary, for preparing or assisting the panchayat in preparing the assessment or rate, for copying the same, for collecting the tax, keeping the accounts and records and otherwise carrying out the purposes of this Act. Appointment of tax-collectors and other establishment.

The Magistrate shall take from every tax-collector or dárogha such security for the due disposal of the sums collected by him as may be thought necessary. Security.

35. The Magistrate may further incur any reasonable expense in the purchase of stationery, in providing badges, dresses and weapons for the chaukídárs, and for any other contingencies that may seem to him necessary. Contingent expenses.

36. After paying the wages of the chaukídárs, and defraying the charges specified in the three last preceding sections of this Act, the Magistrate may, with the sanction of the Commissioner of Circuit, appropriate any sum which may be available to the purpose of cleansing the city, town or place, or of lighting or otherwise improving the same. Surplus-funds may be devoted to conservancy-purposes.

37. The tax-dároghas shall prepare from the lists hereinbefore mentioned a register, which shall be attested by the Magistrate or his Deputy or Assistant, and shall contain the names of all persons assessed or rated so far as they can be ascertained, the property in respect of which the assessment or rate in each case is imposed, and the amount payable monthly by each person. Register of assessments.

38. On such dates as may be fixed by the panchayats for payment of instalments of the tax,[a] the tax-dárogha shall proceed in person, or through some one of his office-establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected, the dárogha shall grant a receipt : Collection of assessment.

Provided that, with the sanction of the Commissioner of Circuit previously obtained, the collection may be made quarterly instead of monthly ; and in such case, the amount due for each quarter shall be collected in the last month of that quarter.

39. The tax-dárogha shall remit to the Magistrate, in such manner as the Magistrate shall direct, all sums of money collected either by himself or by any Remittance of collections.

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[a] See Act No. XXII of 1871, s. 3

one of his establishment, and the Magistrate or some officer of his establishment authorized on that behalf shall give the dárogha a receipt for every sum of money so remitted.

The Magistrate shall also cause all such sums of money to be credited to a separate fund, to be called the Chaukídárí Fund of the city, town or place in or on account of which they are collected.

Preparation of summons, &c.

40. The tax-dárogha shall prepare all summonses and processes to be issued against defaulters, and shall make the usual returns thereto, and shall keep a regular account of all distresses levied and sales made by him for the realization of arrears.

Report of defaulters to Magistrate.

41. On the tenth day after the date fixed for the payment of instalments of the tax,[a] or as soon after as possible, the tax-dárogha shall deliver or transmit to the Magistrate, in one list, a statement of all defaulters, the property in respect to which they are assessed or rated, the amount of the monthly assessment or rate, and the amount due from each.

Summoning defaulters

42. On receipt of the aforesaid list, the Magistrate shall issue a summons against each of the defaulters therein mentioned, requiring him either to pay the demand or to attend at the kachahrí of the Magistrate within a reasonable time, to be specified in the summons, to shew cause for his refusal.

Assessment to be levied from defaulters by distress and sale.

43. If any defaulter fail to appear in answer to the summons, or having appeared, fail to satisfy the Magistrate that no arrear is due from him, the Magistrate may issue a warrant to the tax-dárogha, authorizing him to levy the whole or any part of the demand by distress and sale of any goods and chattels belonging to the defaulter, or being at any time upon the premises in respect of which the arrear is due; and the Magistrate's order as contained in the warrant shall be final.

Sale how conducted.

44. The tax-dárogha shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give previous notice of the sale, and the time and place thereof, by beat of drum, in the district in which the property is situated.

Proceeds how applied.

If the arrear be not paid with costs, or the warrant be not in the meantime discharged or suspended by the Magistrate, the goods and chattels seized shall be sold at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and costs and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure.

Returns of sale. Costs.

The tax-dárogha shall make a return of all such sales to the Magistrate in the form specified in appendix D, and the costs upon every such proceeding

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[a] See Act No. XXII of 1871, section 4.

shall be such as are mentioned and set forth in appendix E annexed to this Act.

Penalty for tax-dárogha purchasing at such sales.

45. Any tax-dárogha or other servant appointed under this Act, and any chaukídár or officer of Police, who shall purchase any property at any such sale as aforesaid, shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty rupees; and the property shall be confiscated.

Sale of property beyond limits of town, &c.

46. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the district in which the premises are situate, the Magistrate may issue his warrant to the Názir of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever; and such other Magistrate shall back the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant.

Goods liable to distress.

47. All goods and chattels, except tools or implements of trade, which may be found upon any premises in respect of which an arrear is due, shall be liable to be distrained for the recovery of such arrear.

Owner of goods to be indemnified by defaulter.

If the goods and chattels belong to any person other than the defaulter, the defaulter shall indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same:

Limit to distress.

Provided that no distress shall be made for any arrears due under this Act, after the expiration of six calendar months from the time when such arrears became due.

Penalty for obstructing tax dárogha in execution of duty.

48. Every person who shall wilfully obstruct or molest any tax-dárogha or any of his establishment, in the performance of their duties under this Act, or shall fraudulently conceal, remove or dispose of any of his property for the purpose of avoiding a distress under the provisions of this Act, or shall knowingly assist any other person in so doing, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees.

Magistrates to try complaints against tax-dárogha for extortion, &c.

49. The Magistrates shall receive and try all complaints preferred on oath or solemn affirmation against any tax-dárogha or other person appointed under this Act, for extortion, malversation or other misconduct in the discharge of his duty.

Penalty for extortion, &c.

On proof of any such offence, the tax-dárogha or other person as aforesaid shall be liable to dismissal from office, and to imprisonment, with or without labour, for a period not exceeding six months, and may also be compelled to

refund any money corruptly or unduly exacted or received, and to deliver up any effects which may have been illegally distrained or sold, or the value thereof, or in default and until such delivery or refund be made, shall be liable to further imprisonment, with hard labour, for not more than six months.

Saving of power to commit.

But nothing in this section shall be taken to prevent the Magistrate from committing any tax-dárogha or other person as aforesaid for trial before the Sessions Court, or to limit the power of the Sessions Court in regard to the punishment of such offences under the general law.

Powers, duties and liabilities of chaukídárs, jamadárs and inspectors.

50. The chaukídárs and the jamadárs and inspectors appointed under this Act, shall exercise all the powers, and perform all the duties, and be subject to all the liabilities, of Police-officers as prescribed in the general Regulations of the Bengal Code or Acts of the Government of India for the time being in force, so far as such powers, duties and liabilities are not inconsistent with, or otherwise expressly provided for by, this Act.

The chaukídárs and the jamadárs and inspectors are in all respects subordinate to the Police-dárogha of the tháná within the limits of which they may be employed.

Chaukídárs to wear badges.

51. Every chaukídár appointed under this Act shall wear a badge with a number, and the name of the city, town, place or division for which he is appointed, engraved thereon.

Power of chaukídárs—

to arrest without warrant.

52. Every chaukídár and every jamadár and inspector appointed under this Act shall have power, without warrant, to apprehend and convey immediately to the nearest Police-station any person or persons taken in the act of committing any heinous offence, or whom he shall have just cause to suspect to be about to commit or to have committed a heinous offence, or against whom a hue and cry shall be raised.

to prevent nuisances:

Second.—He shall have power to prevent obstructions and nuisances on the roads and streets:

to give intelligence of resort of thieves, &c.:

Third.—He shall give immediate intelligence to the Police-dárogha of the resort to his division of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected character, or of any circumstances likely to occasion a breach of the peace:

to examine and detain suspected persons.

Fourth.—He may stop, examine, and if necessary detain, any person who shall be reasonably suspected at any time of having or conveying any thing stolen, or who shall be found between sunset and sunrise lying or loitering in any highway, yard or other place, and unable to give a satisfactory account of himself, and may convey such person to the nearest Police-station.

Assistance to

53. If a chaukídár or other Police-officer be unable to effect an arrest, he

may require all persons present to assist him; and any person who refuses or neglects to comply with such requisition shall be liable, on conviction by a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment not exceeding two months.

Chaukídárs in making arrests.

54. On the fifteenth day of each month, or on such other day not later than the fifteenth day of the month as the Magistrate may appoint, the chaukídárs and the jamadárs and inspectors (if any) shall be mustered at the tháná to which they are attached, and the Police-dárogha or muharrir of the tháná shall there pay them the wages due to them up to the close of the preceding month, and shall at the same time take the receipt of each chaukídár in an official register of receipts prepared for the purpose; and the dárogha, after signing the register in attestation of its correctness, shall transmit the same to the Magistrate.

Chaukídárs, &c., how paid.

55. Any chaukídár and any jamadár or inspector appointed under this Act, who is convicted of neglect of duty or misconduct, shall be liable to fine to an extent not exceeding half a month's wages, or to imprisonment for any period not exceeding six months.

Punishment of officers for neglect of duty, &c.

56. The Magistrate may suspend or dismiss any officer appointed under this Act, whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Suspension or dismissal of Police-officers.

57. All fines levied under this Act shall be credited to the Chaukídárí Fund and held available for the purposes of this Act.

Fines how disposed of.

58.—[*Repealed by Act No. X of 1872.*]

59. All the proceedings of a Magistrate under this Act, except as otherwise specially provided, shall be subject to the control of the Commissioner of Circuit; and all the proceedings of the Commissioner of Circuit shall be subject to the control of the Local Government.

Control over proceedings of Magistrate and Commissioner.

60. Nothing contained in this Act shall extend to the town of Calcutta.

Calcutta excepted.

61. Wherever in this Act, or in any appendix thereto, there is nothing in the context requiring a different interpretation—

Interpretation-clause.

the word "Magistrate" shall include a Joint Magistrate and any person lawfully exercising the powers of a Magistrate:

the word "house" shall include any shop or warehouse:

the word "bázár" shall mean any place of trade where there is a collection of shops or warehouses:

the word "district" shall mean a city, town, bázár or union, or any division thereof:

the expression "Police-dárogha" shall include any Tashíldár or Náib-tahsíldár entrusted with Police-jurisdiction.

APPENDIX A.

To

[*Here insert the names, places of abode, business or other description of the panchâyat.*]

I do hereby require you, the panchâyat appointed under Act XX of 1856, with all reasonable expedition, not exceeding (*here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the zila of , a fair and equitable assessment upon the several occupiers of houses, shops and buildings in the (*here describe the city, town, place or division*), for the purpose of raising the sum of rupees required for the maintenance of chaukídárs for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed rupees (*here insert the pay of a chaukídár of the lowest grade*).[a]

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house and shall be assessed accordingly.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade or business or other description of the person assessed, the annual assessment, and the quota payable monthly; and may be in the following form, or to the like effect:—

Property occupied.	Name of occupier.	Profession or business or other description.	Amount of monthly payment.

[a] See Act No. XXII of 1871, s. 5.

APPENDIX B.

To

[*Here insert the names, places of abode, business or other description of the panchâyat.*]

I do hereby require you, the panchâyat appointed under Act XX of 1856, with all reasonable expedition, not exceeding (*here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the zila of , a fair and equal rate upon the several occupiers of houses, shops and buildings, and of grounds occupied for the purpose of trade or business, in the (*here describe the city, town, place or division*), for the purpose of raising the sum of rupees required for the maintenance of chaukídárs for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate and determine the amount of the rate to be levied from every such occupier according to the annual value of the property occupied.

The rent at which any such property may reasonably be expected to let for one year shall be deemed the annual value of such property. The rate shall be an equal percentage, not exceeding five per cent., of such annual value.

Any person occupying ground for the purpose of trade is to be rated in respect thereof, but a person occupying ground for the purpose of cultivation or for depasturing cattle is not to be rated in respect thereof.

If the occupier of any house or ground in the said district shall be unable, on the ground of poverty, to pay the rate to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house, and shall be rated accordingly.

The rate which you are hereby required to make shall specify the name of every occupier of property liable to be rated, the name, trade or business or other description of the person rated, the annual rateable value of the property,

the annual rate, and the quota payable monthly; and may be in the following form, or to the like effect :—

Property occupied.	Name of occupier.	Profession or business or other description.	Annual value of property	Annual rate.	Amount of monthly payment.

APPENDIX C.

An assessment (*or* rate, *as the case may be*) made for (*here describe the city, town, village or other place or division for which the rate is made*) upon the several occupiers of houses and other property in the said district, pursuant to Act XX of 1856, for the purpose of maintaining chaukídárs for such district.

Property occupied.	Names of occupiers.	Profession or business.	Amount of monthly *or* quarterly) assessment (*or* rate).

Whereas the above assessment (*or* rate *as the case may be*) has been duly made pursuant to Act XX of 1856, and has been revised and settled by me, the undersigned Magistrate of , the several persons whose names are included in the said assessment (*or* rate) are hereby required to pay the monthly (*or* quarterly) contributions set opposite to their names with regularity to the tax-dárogha or other person appointed by the Magistrate to receive the same[a] (*if the tax is to be collected quarterly, the months in which the payment is to be made must be specified*), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed (*or* rated), and such other proceedings adopted for the recovery of the same as are allowed by law.

Dated this day of

Magistrate of

APPENDIX D.

1	2	3	4	5	6	7	8	9	10	11
District.	Names of defaulters.	Amount of defalcation.	Amount, cost, or penalty.	Inventory of property seized under distress.	Date of distress.	Date of sale.	Property sold.	Amount realized on each article.	Purchaser's name.	Balance.

[a] See Act No. XXII of 1871, s. 5.

APPENDIX E.

Table of Fees payable in Distraints under this Act.

Sum distrained for.	Fee.	
	Rs.	As.
Under 1 rupee	0	4
1 and under 3 rupees	0	8
3 " 5 "	1	0
5 " 10 "	1	8
10 " 15 "	2	0
15 " 20 "	2	8
20 " 25 "	3	0
25 " 30 "	3	8
30 " 35 "	4	0
35 " 40 "	4	8
40 " 45 "	5	0
45 " 50 "	5	8
50 " 60 "	6	0
60 " 80 "	7	8
80 " 100 "	9	0
Above 100	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

ACT No. III of 1867.

Received the Governor General's assent on the 25th of January 1867.

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Panjáb, Oudh, the Central Provinces and British Burma.[a]

Preamble.

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories respectively subject to the governments of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William, of the Lieutenant-Governor of the Panjáb, and to the administrations of the Chief Commissioner of Oudh, of the Chief Commissioner of the Central Provinces, and of the Chief Commissioner of British Burma; It is hereby enacted as follows:—

Interpretation-clause. "Lieutenant-Governor."

1. In this Act—

"Lieutenant-Governor" means the Lieutenant-Governor of the said North-Western Provinces or the Panjáb, as the case may be:

[a] This Act was extended by notification of the Lieutenant-Governor of the North-Western Provinces, dated 8th June, 1867, No. 346A, to the following towns: Ajmer, Nayánagar, Srínagar, Kekdí, Sáwar, Masúdá, Píságan, Bhínáe, Khirwá, Pohkar, Rámsar, Nasírábád.

"Chief Commissioner" means the Chief Commissioner of Oudh, the Central Provinces or British Burma, as the case may be: "Chief Commissioner."

"common gaming-house" means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever: "common gaming-house."

words in the singular include the plural and *vice versâ*, and Number.

words denoting the masculine gender include females. Gender.

2. Sections 13, 17 and 18 of this Act shall extend to the whole of the said territories; and it shall be competent to the Lieutenant-Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend, by a notification to be published in three successive numbers of the official Gazette, all or any of the remaining sections of this Act to any city, town, suburb, railway-station-house and place being not more than three miles distant from any part of such station-house within the territories subject to his government or administration, and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb or station-house, and from time to time to alter the limits so defined. Power to extend Act.

From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

3. Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and Penalty for owning or keeping, or having charge of, gaming-house.

whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place,

shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

4. Whoever is found in any such house, walled enclosure, room or place, Penalty for

being found in gaming-house.

playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding one month;

and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Power to enter and authorize Police to enter and search.

5. If the Magistrate of a district or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police, upon credible information and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place, is used as a common gaming-house,

he may either himself enter, or by his warrant authorize any officer of Police, not below such rank as the Lieutenant-Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place,

and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming;

and may seize or authorize such officer to seize all instruments of gaming, and all monies and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein;

and may search or authorize such officer to search all parts of the house, walled enclosure, room or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;

and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Finding cards, &c., in suspected houses, to be evidence that such houses are common gaming-houses.

6. When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming are found in any house, walled enclosure, room or place entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police-officer or any of his assistants.

7. If any person found in any common gaming-house entered by any Magistrate or officer of Police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate and being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

Penalty on persons arrested for giving false name and address.

BENGAL SECRETARIAT LIBRARY.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all monies seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

On conviction for keeping gaming-house, instruments of gaming to be destroyed.

9. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

Proof of playing for stakes unnecessary.

10. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or officer authorized as aforesaid.

Magistrate may require any person apprehended to be sworn and give evidence.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.

Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person

committing the offence described in section 178 or section 179 (as the case may be) of the Indian Penal Code.

Witnesses indemnified.

11. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Act not to apply to certain games.

12. Nothing in the foregoing provisions of this Act contained, shall be held to apply to any game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

13. A Police-officer may apprehend without warrant

any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill, in any public street, place or thoroughfare situated within the limits aforesaid, or

any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or

any person there present aiding and abetting such public fighting of birds and animals.

Such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month;

Destruction of instruments of gaming found in public streets.

and such Police-officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may on conviction of the offender order such instruments to be forthwith destroyed.

Offences by whom triable.

14. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

Penalty for subsequent offence.

15. Whoever, having been convicted of an offence punishable under section 3 or section 4 of this Act, shall again be guilty of any offence punishable under either of such sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description:

Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

Portion of fine may be paid to informer

16. The Magistrate trying the case may direct any portion of any fine which shall be levied under sections 3 and 4 of this Act, or any part of the monies or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

Recovery and application of fines.

17. All fines imposed under this Act may be recovered in the manner prescribed by section 307[a] of the Code of Criminal Procedure, and such fines shall (subject to the provisions contained in the last preceding section) be applied as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct.

THE PRISONS' ACT, 1870.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
2. [*Repealed.*]
3. Interpretation-clause.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. Local Government to provide prison-accommodation.
5. Temporary shelter of prisoners.
6. Inspector General of Prisons.
7. Officers of prison.
8. Appointment of officers.
9. Salaries, suspension and dismissal of officers.

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[a] See Act No. X of 1872, sec. 2 and sch. V.

CHAPTER III.

Duties of Officers.

Generally.

Sections.

10. Officers to obey superintendent.
11. Officers not to sell or let to prisoners.
12. Officers not to contract with prisoners;
    Nor to benefit by sales.

Superintendent.

13. Duties of superintendent.

Medical Officer.

14. Power to make rules as to medical officer's duties.
    Medical officer to obey such rules.
15. To report special cases.
16. To make entries as to death of prisoners.
17. Deputy medical officer.
    Subordinate medical officer.

Gaoler.

18. Residence of gaoler.
19. To deliver list of prisoners in punishment-cells.
20. To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
24. Deputy gaoler.

Subordinate Officers.

25. Powers of gate-porter.
26. Subordinate officers not to be absent without leave.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

27. Prisoners to be searched on entrance.
    Medical examination of criminal prisoners.
28. Effects of criminal prisoners retained.
29. Medical examination before removal and discharge of prisoners.

CHAPTER V.

Discipline of Prisoners.

30. Requisitions of Act as to separation of prisoners.
31. Rules as to separate confinement.

SECTIONS.

32. Cells to be furnished with means of communication.
33. Prisoners under sentence of death.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF PRISONERS.

34. Civil prisoner may maintain himself.
35. Civil prisoner not to sell provisions.
36. Allowance of clothing and bedding.
Judgment-creditor to defray such allowance.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

37. Work and earnings of civil prisoners.
38. Examination by medical officer of labouring prisoners.
39. Employment of prisoners sentenced to simple imprisonment.

CHAPTER VIII.

HEALTH OF PRISONERS.

40. Names of sick prisoners to be reported to gaoler.
Gaoler to report them to medical officer.
41. Entry of directions by medical officer.
42. Infirmaries.

CHAPTER IX.

VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Visits to prisoners.
Correspondence of prisoners.
44. Power of gaoler as to visitors.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

45. Carrying liquor, tobacco or drugs into prison.
Suffering liquor, &c., to be sold or used in prison.
Carrying letters into and out of prison.
Abetment of such offences.
46. Notice of penalties to be placed outside prison.

CHAPTER XI.

PRISON-OFFENCES.

SECTIONS.

47. List of prison-offences.
48. Superintendent's power to punish prison-offenders.
49. Punishment of prisoners by Magistrate.
50. Corporal punishment.
51. Penalty on officers ill-treating prisoners or violating rules.

CHAPTER XII.

MISCELLANEOUS.

52. Confinement in irons of prisoners sentenced to rigorous imprisonment.
53. Confinement in irons by gaoler of his own authority.
54. Power to make supplementary prison-rules.
55. Present rules.
56. Exercise of powers of superintendent.

ACT No. XXVI OF 1870.

Received the Governor General's assent on the 3rd of October 1870.

An Act to amend the law relating to Prisons.[a]

reamble. WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjáb, Oudh, the Central Provinces and British Burma, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called "The Prisons' Act, 1870."

Local extent. It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma.

2.—[*Repealed by Act No. XII of 1873.*]

Interpretation-clause. 3. In this Act—

"prison." "prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

[a] 28 & 29 Vic., cap. 126.

"criminal prisoner" means any prisoner charged with or convicted of a crime; "criminal prisoner."

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail. "civil prisoner."

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners. Local Government to provide prison-accommodation.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, Temporary shelter of prisoners.

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjáb by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council. Inspector General of Prisons.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For every prison there shall be a superintendent, a medical officer (who may also be the superintendent), a gaoler and such subordinate officers as the Local Government thinks necessary. Officers of prison.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a deputy medical officer and a deputy gaoler.

8. The Local Government shall appoint the superintendent and the medical officer and the deputy medical officer. Appointment of officers.

The superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the gaoler and deputy gaoler.

The superintendent shall also appoint the subordinate officers.

Salaries, suspension and dismissal of officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no gaoler or deputy gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.

Duties of Officers.

Generally.

Officers to obey superintendent.

10. All officers of a prison shall obey the directions of the superintendent: all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Officers not to sell or let to prisoners.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners;

nor to benefit by sales.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section 54, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Duties of superintendent.

13. Subject to the orders of the Inspector General of Prisons, the superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General:

submit to the Inspector General all bills of prison-expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease:

send to the Inspector General returns of all prisoners sentenced to transportation:

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section 54 for the guidance of the superintendent.

The superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officer.

14. The Local Government shall make rules as to each of the following matters:— Power to make rules as to medical officer's duties.

how often the medical officer shall visit the prison and see each prisoner:

the records to be made respecting sick prisoners:

periodical inspection of every part of the prison:

reports on its cleanliness, drainage, warmth and ventilation:

reports on the provisions, water, clothing and bedding supplied to the prisoners.

The medical officer shall obey such rules. Medical officer to obey such rules.

15. Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the superintendent, together with such directions as the medical officer thinks proper. To report special cases.

16. On the death of any prisoner, the medical officer shall forthwith record in writing the following particulars, namely,— To make entries as to death of prisoners.

when the deceased was taken ill,

when the medical officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the medical officer to be required.

17. Where a deputy medical officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the medical officer. Deputy medical officer.

When there is no deputy medical officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate medical officer to act as a Subordinate medical officer.

substitute for the medical officer, and the subordinate medical officer so appointed shall perform all the duties of the medical officer.

Gaoler.

Residence of gaoler.

18. The gaoler shall reside in the prison, unless the superintendent permits him in writing to reside elsewhere. The gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

To deliver list of prisoners in punishment-cells.

19. The gaoler shall deliver to the medical officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

20. Upon the death of a prisoner, the gaoler shall give immediate notice thereof to the superintendent.

To keep enumerated books and accounts.

21. The gaoler shall keep, or cause to be kept, the following records:—

(1) a register of warrants;

(2) a book shewing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences;

(4) a visitors' book for the entry of any observations made by visitors to the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules made under section 54.

Responsible for safe custody of documents.

22. The gaoler shall be responsible for the safe custody of the records to be kept by him under section 21, and also for the commitments and all other documents confided to his care.

Not to be absent without leave.

23. The gaoler shall not be absent from the prison for a night without permission in writing from the superintendent; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the superintendent.

Deputy gaoler.

24. Where a deputy gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 54 to be performed by the gaoler.

Where there is no deputy gaoler, or where his services are not available by reason of sickness or other cause, the superintendent shall, when the gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the gaoler.

Subordinate Officers.

Powers of gate-porter.

25. The officer acting as gate-porter, or any other officer of the prison,

may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the gaoler.

Subordinate officers not to be absent without leave.

26. Subordinate officers shall not be absent from the prison without leave from the superintendent, or from the gaoler, and before absenting themselves they shall leave their keys in the gaoler's office.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

Prisoners to be searched on entrance.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the medical officer, who shall enter in a book, to be kept by the gaoler, a record of the state of the prisoner's health, and any observations which the medical officer thinks fit to add.

Effects of criminal prisoners retained.

28. All money or other effects in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the gaoler.

Medical examination before removal and discharge of prisoners.

29. All prisoners, previously to being removed to any other prison, shall be examined by the medical officer.

No prisoner shall be removed to any other prison unless the medical officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Requisitions of Act as to separation of prisoners.

30. The requisitions of this Act, with respect to the separation of prisoners, are as follows :—

(1.)—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2.)—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4.)—Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

31. The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison-rules may be confined separately.

Cells to be furnished with means of communication.

32. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

33. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the gaoler, and all articles shall be taken from him which the gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.

Food, Clothing and Bedding of Prisoners.

Civil prisoner may maintain himself.

34. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources, at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner not to sell provisions.

35. No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the superintendent thinks proper.

Allowance of clothing and bedding.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the superintendent with such clothing and bedding as may be necessary.

Judgment-creditor to defray such allowance.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

CHAPTER VII.

Employment of Prisoners.

37. Civil prisoners may, with the superintendent's permission, work and follow their respective trades and professions.

Work and earnings of civil prisoners.

Civil prisoners finding their own implements and not maintained at the expense of the prison shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the superintendent, for the use of implements and the cost of maintenance.

38. The medical officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment.

Examination by medical officer of labouring prisoners.

But if the medical officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the gaoler so to employ him.

39. Provision shall be made by the superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

Employment of prisoners sentenced to simple imprisonment.

The superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.

Health of Prisoners.

40. The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall be reported by the officer attending them to the gaoler.

Names of sick prisoners to be reported to gaoler.

The gaoler shall, without delay, call the attention of the medical officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect the medical officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

Gaoler to report them to medical officer.

41. All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating

Entry of directions by

medical officer.

to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the gaoler thinks fit to make, and the date of the entry.

Infirmaries.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to and Correspondence of Prisoners.

Visits to prisoners.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison, of persons with whom prisoners before trial may desire to communicate.

Correspondence of prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Power of gaoler as to visitors.

44. The gaoler may demand the name and address of any visitor to a prisoner; and, when the gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched, the gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.

Offences in relation to Prisons.

Carrying liquor, tobacco or drugs into prison,

45. Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce, into any prison, or any place provided under section 5 for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

suffering liquor, &c., to be sold or used in prison,

and every officer of a prison who knowingly suffers any such liquor, tobacco or drug, to be sold or used in such prison or place contrary to such regulations,

carrying letters into and out of prison,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section, Abetment of such offences.

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

46. The superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section 45. Notice of penalties to be placed outside prison.

CHAPTER XI.

PRISON-OFFENCES.

47. The following acts are declared to be offences against prison-discipline:— List of prison-offences.

(1) wilful disobedience to the regulations of the prison by any prisoner;

(2) assaults or use of criminal force by any prisoner;

(3) insulting or threatening language by any prisoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any prisoner;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing or cutting irons or bars;

(8) idleness or negligence at work by any convicted criminal prisoner;

(9) wilful mismanagement of work by any convicted criminal prisoner;

(10) wilful damage to prison-property;

(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

48. The superintendent may examine any person touching such offences, and determine thereupon, and punish such offences— Superintendent's power to punish prison-offenders.

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;

(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence,

and the amount of punishment inflicted. Such statement shall be signed by the superintendent.

Punishment of prisoners by Magistrate.

49. If any prisoner is guilty of repeated offences against prison-discipline, or is guilty of any offence against prison-discipline which the superintendent thinks is not adequately punishable under section 48, the superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

50. All corporal punishment within the prison shall be inflicted in the presence of the superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officers ill-treating prisoners or violating rules.

51. Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section 54, shall be liable, on conviction before the superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

Confinement in irons of prisoners

52. Whenever the superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe

custody of any prisoners that they should be confined in irons, the superintendent may so confine them. sentenced to rigorous imprisonment.

53. Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the gaoler of his own authority, and notice thereof shall be forthwith given to the superintendent. Confinement in irons by gaoler of his own authority.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the gaoler as his warrant.

54. The Local Government may, from time to time, make rules consistent with this Act, Power to make supplementary prison-rules.

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct; and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All rules now in force relating to any of the matters mentioned in sections 14, 31, 39 and 54 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively. Present rules.

56. All or any of the powers and duties conferred and imposed by this Act on a superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf. Exercise of powers of superintendent.

THE EXCISE ACT, 1871.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
2. [*Repealed.*]
3. Interpretation-clause.
4. Saving of Act No. XVI of 1863.

II.—MANUFACTURE OF SPIRITS AND FERMENTED LIQUOR.

5. English distilleries not to be constructed or worked without license.
6. Chief Revenue-Authority to prescribe rules for regulating English distilleries.
7. Collectors may establish distilleries for country-spirits.
8. Chief Revenue-Authority may prescribe rules for distilleries.
9. Breweries not to be constructed or worked without license.
10. Sanction to rules under sections 6, 8 and 9.
11. Prohibition of manufacture of country-spirits.

III.—SALE OF SPIRITS, FERMENTED LIQUOR AND INTOXICATING DRUGS.

12. English spirits and fermented liquor not to be sold without license.
13. Fee for wholesale-license.
14. Fee for retail-license.
    What to be held a retail-sale.
15. Country-spirits and drugs not to be sold without license.
16. Tárí to be deemed fermented liquor.
17. Proviso.
18. Supply of opium to licensed vendors.
19. Sale of more than specified quantities of country-spirits, &c., prohibited.
20. Restriction of sale of gánja and bháng.

IV.—DUTIES.

21. Rate of duty to be levied on English spirits.
22. Spirits from foreign territory subject to duty.
23. Duty on country-spirits manufactured under section 7.
24. Duty on retail-sale of country-spirits, &c.

V.—FARM OF DUTIES.

25. Power to farm out duties.
26. Tenders for farm.

SECTIONS.

27. Farmer may make arrangements with local manufacturers and vendors.
28. List of licenses granted by farmer to be filed.
Restrictions as to grant of licenses.
29. Lease may be cancelled.
Compensation to farmers in certain cases.
30. Recovery of arrears of tax or duty by farmers.

VI.—LICENSES.

31. Certain licensees to execute counterpart and furnish security.
32. Duration and renewal of license.
33. Regulation of form of license.
34. Power to recall license.
35. Surrender of license.

VII—POWERS OF OFFICERS.

36. Collectors of land-revenue to have charge of excise.
37. Power to appoint Commissioners of excise.
38. Collectors may appoint excise-officers.
39. Tahsíldárs may be excise-dároghas.
40. Power to regulate supply of tárí and intoxicating drugs to licensed vendors.
41. Recovery of arrears of tax or duty.
42. Power of excise-officers to inspect shops.
43. And to arrest persons carrying spirits, &c., liable to confiscation.
44. And to arrest unlicensed distillers, &c.
And to seize stills.
45. And to search on information of illicit manufacture or possession.
46. Police, Customs and Revenue-officers may exercise powers of excise-officers.
47. Excise-officer to report arrests, &c.,
and to take person arrested to Magistrate.
48. Collector may issue warrant of arrest in certain cases.
49. Collector may issue search-warrant.
Special warrant authorizing search between sunset and sunrise.
50. Procedure after arrest or seizure.
51. Police to assist excise-officers.

VIII.—PENALTIES.

52. For constructing or working a distillery without license.
53. For non-observance of rules prescribed by Chief Revenue-Authority.
54. For removing spirituous liquors without payment of duty.
55. For irregular re-land of spirituous liquors.
56. For working brewery without license.
57. For refusing to produce license.
For breach of license.
58. For sale in contravention of license.
Proviso.
59. For permitting drunkenness, &c., in shop.
60. For conveying country-spirits from distillery without pass, &c.
61. For contravening rules prescribed by Chief Revenue-Authority.

SECTIONS.

62. For illicit manufacture or sale of country-spirits, &c.
Proviso.
63. For illegal possession of country-spirits, &c.
Proviso.
64. Exceptions as to tárí, gánja and bháng.
65. For possessing more opium than five tolas weight.
66. Exception in favour of opium-cultivators, travellers and horse-dealers.
For possession of excessive quantity of opium by travellers, &c.
67. For sale of adulterated opium, &c.
68. For conniving at illicit manufacture or sale of spirits, &c.
69. On Police-neglecting to assist.
70. For maliciously giving false information.
71. For vexatious search or seizure.
72. On excise-officers for delay in reporting arrest, &c., or in carrying person arrested to Magistrate.
73. For conniving at escape of persons arrested, &c.
74. Adjudication of penalties and seizures.
75. Procedure in cases other than those of persons sent in custody by Collector or excise-officer.
76. Punishment on second or subsequent conviction.
77. Confinement in civil jail.
78. Disposal of confiscated goods.
79. Disposal of fines, &c., as rewards.
Rewards where no fine is realized.
80. Fines undisposed of to belong to Government.
Special rewards to informers.

IX.—MILITARY CANTONMENTS.

81. Rules respecting manufacture and sale of spirits, &c., in cantonments.
82. Mode of making arrest or search within cantonments.

X.—MISCELLANEOUS.

83. Drawback on exportation.
84. Drawback when not allowed.
85. Recovery of sums due under bond.
86. Appeals from orders and sentences under Act.
87. Powers vested in officers of Opium Department.

ACT No. X OF 1871.

Received the Governor General's assent on the 24th of March 1871.

An Act to consolidate and amend the laws relating to the Excise-Revenue in Northern India, British Burma and Coorg.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws in force in Northern India, British Burma and Coorg relating to the manufacture of

spirits, the sale of spirituous and fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom: It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Excise Act, 1871:" Short title.

It extends to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces, British Burma and Coorg. Local extent.

2.—[*Repealed by Act No. XII of 1873.*]

3. In this Act, Interpretation-clause.

"Chief Revenue-Authority" means,—

in the territories subject to the Lieutenant-Governor of the North-Western Provinces—the Board of Revenue,

in the Panjáb and Oudh—the Financial Commissioner, and

in the Central Provinces, British Burma and Coorg—the Chief Commissioner:

"Collector" includes any revenue-officer in independent charge of a district and a superintendent of excise-revenue: "Collector."

"Magistrate" means any Magistrate exercising powers not less than those of a Subordinate Magistrate of the first class: "Magistrate."

"country-spirit" means any spirit made by the Native process of distillation: "country-spirit."

"intoxicating drugs" includes gánja, bháng, charas, opium[a] and every preparation and admixture of the same.[b] "intoxicating drugs."

4. Nothing herein contained affects Act No. XVI of 1863 (*to make special provision for the levy of the excise-duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*). Saving of Act No. XVI of 1863.

II.—Manufacture of Spirits and Fermented Liquor.

5. No person shall construct or work a distillery after the manner in which distilleries are constructed and worked in England, without a license under the hand of the Collector of the district in which such distillery is situated. English distilleries not to be constructed or worked without license.

6. The Chief Revenue-Authority may from time to time make rules relative to Chief Revenue-Authority to pre-

[a] The word "opium" will be repealed by Act No. I of 1878 when that Act is brought into force in Ajmer and Merwára.

[b] The words "intoxicating drugs" shall not include opium, Act No. I of 1878, sec. 2.

scribe rules for regulating English distilleries.

(*a*) the granting of licenses under section 5;

(*b*) the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work;

(*c*) the size and description of the stills;

(*d*) the passing and storing of the spirits;

(*e*) the inspection and examination of the distillery and warehouses, and of the spirits manufactured and stored therein;

(*f*) the furnishing of statements and lists of such spirits, and of the stills, coppers, casks and other utensils used in the distillery.

Collectors may establish distilleries for country-spirits.

7. The Collector, with the sanction of the Chief Revenue-Authority, may

(*a*) establish, at any place within his jurisdiction, a distillery in which spirits may be manufactured after the Native process,

(*b*) from time to time fix limits within which no country-spirits, except such as are manufactured at the said distillery, shall be introduced or sold without a special pass from the Collector, and within which no stills shall be constructed or worked, or spirits manufactured, except at the said distillery, and

(*c*) discontinue any distillery so established.

Chief Revenue-Authority may prescribe rules for distilleries.

8. The Chief Revenue-Authority may from time to time make rules relative to

(*a*) the management of distilleries established under section 7;

(*b*) the conditions on which spirits may be manufactured in the said distilleries, and

(*c*) the passes to be issued for the conveyance of such spirits to the shops of the vendors.

Breweries not to be constructed or worked without license.

9. No person shall construct or work a brewery, or manufacture any description of malt-liquor, without a license from the Collector.

The Chief Revenue-Authority may from time to time make rules relative to the granting of licenses for constructing and working breweries.

Sanction to rules under sections 6, 8 and 9.

10. Except in the Central Provinces, British Burma and Coorg, the sanction of the Local Government is required to validate rules under sections 6, 8 and 9.

Prohibition of manufacture of country-spirits.

11. No person shall manufacture spirits after the Native process except under license from the Collector.

III.—Sale of Spirits, Fermented Liquor and Intoxicating Drugs.

English spirits and fermented

12. Spirituous liquors passed from distilleries worked according to the English method, fermented liquors manufactured at a licensed brewery, and

spirituous and fermented liquors imported either by land or by sea, shall not be sold except under license from the Collector.

liquor not to be sold without license.

13. Persons taking out licenses for the wholesale vend of spirituous and fermented liquors as aforesaid shall pay, for every such license, such sum as the Chief Revenue-Authority from time to time prescribes.

Fee for wholesale-license.

The license shall be current only during the official year, and in the district in which it is granted.

But travelling merchants may obtain, under such rules and restrictions as the Chief Revenue-Authority from time to time prescribes, a general license authorizing them to sell by wholesale, in any district which they may visit in the course of their travel, without taking out a fresh license for that district.

14. Persons taking out licenses for the retail-sale of spirituous and fermented liquors as aforesaid shall pay for every such license such fee or tax as the Chief Revenue-Authority fixes, and such fee or tax shall be payable at such periods as the said Authority directs.

Fee for retail-license.

Any sale of spirituous or fermented liquors as aforesaid, in less quantity than two imperial gallons or one dozen of quart bottles, shall be held to be a retail-sale.

What to be held a retail-sale.

15. No person shall sell spirits manufactured by the Native process, or tárí or pachwáí, or any intoxicating drug, except under license from the Collector.

Country-spirits and drugs not to be sold without license.

16. All the provisions relating to the sale or possession of fermented liquors contained in the following sections apply to the sale or possession of tárí, whether in a fermented state or otherwise; and all tárí, both fresh and fermented, is included in the expression "fermented liquors" as used in the following sections.

Tárí to be deemed fermented liquor.

17. Provided that the Local Government may suspend the operation of all the provisions relating to tárí contained in this Act, with respect to any district in which the consumption of tárí in a fermented state is inconsiderable; and thereupon tárí may be possessed and sold without license in such district, notwithstanding anything contained in this Act.

Proviso.

18. Opium shall be supplied to licensed vendors from the Government-stores in such manner and at such prices as the Chief Revenue-Authority from time to time directs: and no other description of opium shall be sold by such vendors.

Supply of opium to licensed vendors.

The Local Government may, from time to time, by order, exempt any district from the operation of this section.

19. Except for the supply of licensed vendors, or under a special order from such officer as the Local Government appoints in this behalf, country-spirits,

Sale of more than specified quantities of

country-spirits, &c., prohibited.

tárí and pachwáí, and intoxicating drugs shall not be sold in larger quantities than are hereunder specified—

country-spirits, one ser;

tárí or pachwáí, four sers;

gánja or bháng, or any preparation or admixture thereof, one quarter of a ser;

charas or opium,[a] or any preparation or admixture thereof, five tolas weight;

and the sale of any such quantity as is herein allowed shall be deemed to be a retail-sale within the meaning of this Act.

Restriction of sale of gánja and bháng.

20. No cultivator of the plants producing gánja or bháng shall sell any gánja or bháng to any one other than (*a*) a person licensed under section 15 to sell the same, or (*b*) a person duly authorized to purchase the same by pass or license from the Collector.

IV.—Duties.

Rate of duty to be levied on English spirits.

21. A duty shall be levied on spirits manufactured at distilleries worked according to the English method, at the rate of three rupees the imperial gallon of the strength of London-proof, to be augmented or reduced in proportion to the strength of the spirit.

No spirit shall be removed from any such distillery or the warehouses connected therewith, upon which the aforesaid duty has not been paid, or for the duty chargeable on which a bond has not been executed as hereinafter provided.

For all spirits removed upon payment of duty or under bond, passes shall be issued by the Collector, which shall specify—

(*a*) the quantity and strength of the spirit,

(*b*) the place of its destination,

(*c*) the person to whom it is consigned, and

(*d*) whether the duty has been paid or secured by bond.

Nothing in the former part of this section applies to British Burma.

Spirits from foreign territory subject to duty.

22. Spirituous liquors manufactured at any place in India beyond the limits of British India, shall, on passing such limits subject to this Act, be charged with the duty prescribed for proof-spirits in section 21;

and any person found in possession of any such liquors, without a pass from the Collector certifying the payment of such duty, shall forfeit for every such offence a sum not exceeding two hundred rupees; and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation.

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[a] The words "or opium" will be repealed by Act No. I of 1878 when that Act is brought into force in Ajmer and Merwára.

23. A duty shall be levied on spirits manufactured in distilleries established under section 7 at such rate as the Chief Revenue-Authority, with the sanction of the Local Government, may from time to time prescribe. **Duty on country-spirits manufactured under section 7.**

24. Whenever a license for the retail-sale of country-spirits, tárí, pachwáí or intoxicating drugs is granted under this Act, the Collector may demand, in consideration of the privilege granted, such tax or duty, or a tax or duty adjusted on such principles, as may from time to time be fixed by the Chief Revenue-Authority. **Duty on retail-sale of country-spirits, &c.**

Such tax or duty shall be specified in the license, and shall be payable at such periods as the said Authority may direct.

The Collector may grant special licenses for the sale of unfermented tárí only, at those periods of the year when the fresh juice is in request: fees may be demanded for such special licenses at a rate for each license to be fixed from time to time by the Chief Revenue-Authority; and the vendors shall not be subject to any other tax or duty in respect of such sale.

V.—Farm of Duties.

25. The Collector may, with the sanction of the Chief Revenue-Authority, let in farm, for any period not exceeding five years, the duties leviable on the retail-sale of spirituous or fermented liquors, or intoxicating drugs, or any description of such liquors or drugs in any district or division of a district. **Power to farm out duties.**

26. The Chief Revenue-Authority may prescribe rules— **Tenders fo farm.**

(*a*) for the invitation and acceptance of tenders for such farms;

(*b*) for the requisition of security for the due fulfilment of the engagements entered into by the farmers, and

(*c*) as to the form and conditions of the lease.

Any breach of such conditions shall render the lease liable to annulment.

27. When the duties leviable on any of the articles above enumerated are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors within the limits of his farm; **Farmer may make arrangements with local manufacturers and vendors.**

and all the fines and forfeitures hereinafter prescribed, for the unlawful manufacture, sale or possession of any such article, shall be incurred by all persons manufacturing, selling or possessing the same without license or authority from the farmer.

28. Every such farmer shall file in the Collector's office a list of all the licenses granted by him in such form as may be prescribed by the Chief Revenue-Authority. **List of licenses granted by farmer to be filed.**

The Collector, with the sanction of the said Chief Revenue-Authority, may, before entering into engagements for any such farm, make such reservations or restrictions with respect to the grant of licenses as he thinks fit. **Restrictions as to grant of licenses.**

Lease may be cancelled.

29. The Collector may, with the sanction of the Chief Revenue-Authority, cancel any lease granted under this Act; or may, within the period of the lease, impose any new restriction on the farmer.

Compensation to farmers in certain cases

If a lease be cancelled for any cause other than a breach on the part of the farmer of the conditions of the lease, or if any reservation or restriction with respect to the grant of licenses be imposed within the period of the lease, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Chief Revenue-Authority thinks fit.

Recovery of arrears of tax of duty by farmers.

30. Every farmer of excise-revenue may use the same means and processes for the recovery of any arrear of tax or duty due to him from any authorized vendor, as may be lawfully used by zamíndárs and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

VI.—Licenses.

Certain licensees to execute counterpart and furnish security.

31. Every person taking out a license for the manufacture of country-spirits or for the retail-sale of spirituous or fermented liquors, or intoxicating drugs, shall execute a counterpart-engagement in conformity with the tenor of the license, and shall give such security for the performance of his engagement or make such deposit in lieu of security as the Collector may require.

Duration and renewal of license.

32. Unless otherwise especially authorized by the Chief Revenue-Authority, licenses for retail-sale shall be granted for the term of one year, and if continued to the holders thereof, shall be formally renewed from year to year.

But every person holding a license, who may intend not to renew it, shall give notice of his intention to the Collector at least fifteen days before the year expires.

If such notice be not given, and the license be not recalled by the Collector, the license held, and engagement entered into, by every such person, shall remain in force as if the said license and engagement had been formally renewed.

Regulation of form of license.

33. The Chief Revenue-Authority may regulate the form and conditions of all licenses granted under this Act.

Power to recall license.

34. The Collector may recall or cancel any license granted under this Act, if the tax or duty therein specified be not duly paid, or in case of a violation of any other condition thereof, or of the holder being convicted of a breach of the peace or any other criminal offence.

If the Collector desire to recall a license for any cause other than those above specified, he shall give fifteen days' previous notice and remit a sum equal to the tax for fifteen days, or, if notice be not given, shall make such

further compensation for default of notice as the Commissioner or Chief Revenue-Authority directs.

35. Any licensed retail-vendor may surrender his license on giving one month's previous notice to the Collector, and paying such fine not exceeding the amount of the license-fees for six months as the Collector may adjudge. *Surrender of license.*

If the Collector is satisfied that there is a sufficient reason for resigning a license, he may remit the fine so prescribed.

VII.—Powers of Officers.

36. The collection of the revenue arising from the manufacture of spirits, and the sale of spirits and spirituous and fermented liquors and intoxicating drugs, shall be ordinarily under the charge of the Collectors of land-revenue, who shall perform the duties connected therewith under the control and direction of the Commissioners of Revenue and of the Chief Revenue-Authority. *Collectors of land-revenue to have charge of excise.*

But the Local Government may appoint any other person to be superintendent of excise-revenue in any district or place, and any person so appointed shall exercise, in such district or place, all the powers and authority conferred by this Act on the Collector of land-revenue; and the Collector of land-revenue shall cease to exercise such powers and authority in such district or place during the continuance of such appointment.

37. The Local Government may also appoint a Commissioner or Commissioners for the control and direction of the officers having charge of the excise-revenue in any district or districts; and when such appointment is made the Commissioner of excise shall exercise within such district or districts the powers and authority conferred by this Act on Commissioners of revenue, and the Commissioners of revenue shall cease to exercise such powers and authority in the said district or districts during the continuance of such appointment. *Power to appoint Commissioners of excise.*

38. Collectors may appoint dároghas, jamadárs, peons, surveyors, gaugers and other officers for the collection of the excise-revenue and for the prevention of smuggling, and the officers so appointed shall, in addition to their ordinary designations, be styled excise-officers. *Collectors may appoint excise-officers.*

39. In districts where there are tahsíldárs and other local officers for the collection of the land-revenue, the office of excise-dárogha may be united with that of tahsíldár or any of such local officers, and the said officers, together with the officers subordinate to them, shall be deemed to be excise-officers within the meaning of this Act. *Tahsíldárs may be excise-dároghas.*

40. The Chief Revenue-Authority may regulate the mode in which tárí shall be supplied to licensed vendors of the same; and may frame rules for the grant of licenses or passes to persons purchasing, transporting or storing gánja, bháng or charas for the supply of the licensed vendors of those drugs. *Power to regulate supply of tárí and intoxicating drugs to licensed vendors.*

Such Authority may also place the cultivation, preparation and store of such drugs under such supervision as may be deemed necessary to secure the duty leviable thereon.

Recovery of arrears of tax or duty.

41. The Collector may recover any arrear of tax or duty due on account of any license granted under this Act,

or any arrear due from any farmer of excise-revenue,

by distress and sale of the moveable property of the person from whom the arrear is due or of his surety, or by any other process for the time being in force for the recovery of arrears of revenue due from farmers of land or their sureties.

Power of excise-officers to inspect shops.

42. Any excise-officer may enter and inspect at any time by day or by night the shop or premises in which any licensed manufacturer or retail-vendor carries on the manufacture of country-spirits, or the sale of spirituous or fermented liquors or intoxicating drugs.

And to arrest persons carrying spirits, &c., liable to confiscation.

43. Any excise-officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act;

and may seize the liquors or drugs, with the vessels, packages or coverings in which they are contained, and the animals and conveyances used in carrying them;

and may also arrest the person in whose possession such liquors or drugs are found.

And to arrest unlicensed distillers, &c.

44. Any excise-officer above the rank of a jamadár of peons may arrest any person having in his possession an unlicensed still, or any spirituous or fermented liquors or intoxicating drugs, liable to confiscation under this Act, or engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs,

And to seize stills.

and may seize such still with the materials for working it, and all such liquors and drugs.

And to search on information of illicit manufacture or possession.

45. Whenever any excise-officer above the rank of a jamadár of peons, has reason to believe, from information given by any person (which information shall be taken down in writing) that spirits are unlawfully manufactured,

or that any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act, are kept or concealed in any house, boat or other place,

such officer may, between sunrise and sunset (but always in the presence of an officer of Police not being under the grade of a jamadár), enter into any such house, boat or place,

and in case of resistance may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all stills and materials used in the manufacture of such spirits and all such liquors and drugs;

and may also arrest the occupier of the house, boat or place with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

Police, Customs and Revenue-officers may exercise powers of excise-officers.

46. The powers of seizure, search and arrest, given to excise-officers by the three last preceding sections, may, in regard to the seizure and search for contraband opium and the arrest of persons found in possession thereof, be exercised also by the officers of the Police, Customs and Revenue Departments according to their respective grades.

And the Local Government may confer on the officers of those departments, or of any of them, like powers with respect to the seizure of, and search for, spirituous and fermented liquors and intoxicating drugs of every description, and the arrest of persons found in possession thereof.

All such officers when so empowered,[a] [as well as all Police, Customs and Revenue-officers when acting under the authority conferred by this section for the suppression of illicit dealings in opium,] shall be deemed to be excise-officers within the meaning of this Act.[b]

Excise-officer to report arrests, &c., and to take person arrested to Magistrate.

47. Whenever an excise-officer arrests any person,

or seizes any still, or any liquors or drugs liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such illicit articles,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest or seizure, or search, to his official superior, and, unless acting under the warrant of the Collector, shall carry the person arrested, or the illicit article seized, with all convenient despatch to the Magistrate for trial or adjudication.

Collector may issue warrant of arrest in certain cases.

48. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs, or to have in his possession any such liquors or drugs liable to confiscation under this Act.

Collector may issue search-warrant.

49. The Collector may issue his warrant for the search of any house, boat or place, in which, upon any of the grounds mentioned in the last preceding section, he has reason to believe that spirits are unlawfully manufactured, or

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[a] The words in brackets will be repealed by Act No. I of 1878 when that Act is brought into force in Ajmer and Merwára.

[b] This section will be repealed, so far as it relates to opium, by Act No. I of 1878 when that Act is brought into force in Ajmer and Merwára.

that spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act are kept or concealed.

Such warrant may be executed by any officer above the rank of a jamadár of peons, at the time and in the manner prescribed in section 45.

Special warrant authorizing search between sunset and sunrise.

Whenever the Collector thinks that the search should be made between sunset and sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any officer above the rank of a jamadár of peons, in the manner prescribed in section 45, and shall cease to be in force at sunrise on the day next following.

Procedure after arrest or seizure.

50. Whenever any person is arrested, or any articles are seized, under the warrant of a Collector, the Collector, after such inquiry as he thinks necessary, shall send the person arrested or the articles seized to the Magistrate, or shall order the immediate discharge of such person or the release of such articles.

Police to assist excise-officers.

51. All Police-officers are required to aid the excise-officers in the due execution of this Act, upon notice given or request made by such officers.

VIII.—Penalties.

For constructing or working distillery without license.

52. Whoever constructs or works a distillery after the English method, without a license from the Collector, shall for every such offence be punished with fine not exceeding one thousand rupees;

and all spirits manufactured at any such distillery, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

For non-observance of rules prescribed by Chief Revenue-Authority.

53. Every proprietor or manager of a licensed distillery constructed and worked after the English method, who omits to furnish any notice or any statement or list required by the rules prescribed by the Chief Revenue-Authority under section 6, or wilfully does anything in contravention of the said rules, shall for every such offence be punished with fine not exceeding two hundred rupees;

and if any such offence be committed a second time with respect to the same distillery, the Collector may withdraw the license granted for the working of such distillery.

For removing spirituous liquors without payment of duty.

54. Whoever removes or attempts to remove, from any licensed distillery constructed and worked after the English method, any spirituous liquors upon which the duty has not been paid, or for the duty on which a bond has not been executed, or any spirituous liquors for which the Collector has not issued a pass, shall for every such offence be punished with fine not exceeding one thousand rupees;

and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation.

If it appear to the Collector that the offence was committed with the consent or knowledge of the proprietor or manager, the Collector may withdraw the license granted for the construction and working of the distillery from which such liquors have been removed or attempted to be removed.

For irregular re-land of spirituous liquors.

55. Whoever re-lands or attempts to re-land any spirituous liquors shipped for exportation, without a special pass from the Collector of revenue at the place of exportation, shall for every such offence be punished with fine not exceeding five hundred rupees;

and the liquors, together with the casks and vessels containing the same, and the carts, boats and animals employed in carrying them, shall be liable to confiscation.

For working brewery without license.

56. Whoever constructs or works a brewery, or manufactures malt-liquor, without a license, shall for every such offence be punished with fine not exceeding five hundred rupees.

For refusing to produce license.

For breach of license.

57. Every person licensed to manufacture country-spirits or to sell spirituous or fermented liquors or intoxicating drugs, who fails to produce his license on the demand of any excise-officer, or who commits any act in breach of any of the conditions of his license not otherwise provided for in this Act, shall for every such offence be punished with fine not exceeding fifty rupees.

For sale in contravention of license.

58. Every licensed retail-vendor, who sells any larger quantity of spirituous or fermented liquors, or intoxicating drugs, than is allowed to be sold by retail by this Act, and every licensed wholesale vendor who makes a retail-sale, shall for every such offence be punished with fine not exceeding two hundred rupees:

Proviso.

Provided that nothing in this section shall be held to prohibit the grant to the same person of both wholesale and retail-licenses, subject to the provisions of this Act.

For permitting drunkenness, &c., in shop.

59. Every person licensed to sell spirituous or fermented liquors, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for liquors or drugs, shall for every such offence be punished with fine not exceeding two hundred rupees.

For conveying country-spirits from distillery without pass, &c.

60. Whoever conveys or attempts to convey any country-spirits from a distillery established under section 7 without a pass, or exceeding the quantity for which a pass has been granted,

or introduces or attempts to introduce any country-spirits manufactured at another place into the limits fixed for the consumption of spirits manufactured at such distillery, without a special pass from the Collector,

shall for every such offence be punished with fine not exceeding five hundred rupees.

For contravening rules prescribed by Chief Revenue-Authority.

61. Whoever wilfully contravenes any rule prescribed by the Chief Revenue-Authority for the management of a distillery established as aforesaid, otherwise than as provided for in the last preceding section, shall for every such offence be punished with fine not exceeding fifty rupees.

For illicit manufacture or sale of country-spirits, &c.

62. Every person other than a licensed manufacturer who manufactures any country-spirits,

and every person other than a licensed vendor, or a person duly authorized to supply licensed vendors, who sells any spirituous or fermented liquors, or intoxicating drugs,

and every person authorized to supply licensed vendors, who sells any such liquors or drugs to any person other than a licensed vendor,

shall for every such offence be punished with fine not exceeding five hundred rupees.

Proviso.

Nothing in this section or in section 12 applies to the sale by auction of any spirituous liquors, wines or beer purchased by any person for his private use and so disposed of upon his quitting a station or after his decease.

For illegal possession of country-spirits, &c.

63. Every person, other than a licensed manufacturer or vendor, or a person duly authorized to supply licensed vendors, who has in his possession any larger quantity of country-spirits, or tárí or pachwáí, or intoxicating drugs, except opium,[a] than may legally be sold by retail under the provisions of section 19,

or transports by land or by water, or has in his possession, any spirituous liquors made at a distillery worked according to the English method, or any imported spirituous or fermented liquors, in larger quantity than two gallons, without a pass from the Collector or other officer duly empowered in that behalf,

shall for every such offence be punished with fine not exceeding two hundred rupees;

and the liquors and drugs, together with the vessels, packages and coverings in which they are found, and the animals and conveyances used in carrying them, shall be liable to confiscation:

Proviso.

Provided that nothing in this section extends to any spirituous liquors, wines or beer, purchased by any person for his private use and not for sale.

Exceptions as to tárí, gánja and bháng.

64. The provisions of the two last preceding sections, so far as they relate to the sale and possession of fermented liquors, do not apply to the sale and possession of tárí the produce of the date-tree, when supplied or used for the manufacture of gúr or molasses; and the provisions of the said sections

[a] The words "except opium" will be repealed by Act No. I of 1878 when that Act is brought into force in Ajmer and Merwára.

relating to the sale and possession of intoxicating drugs do not apply to the sale and possession of gánja or bháng by the cultivators of the plants which produce those drugs respectively.

Every such cultivator selling gánja or bháng in breach of the prohibition contained in section 20, shall for every such offence be punished with fine not exceeding five hundred rupees.

65. Every person, other than a licensed vendor, who has in his possession a greater quantity of opium than five tolas weight, shall for every such offence be punished with fine not exceeding five hundred rupees, unless the opium found in his possession exceeds the weight of thirty-one sers and a quarter, in which case the penalty may be increased at a rate not exceeding sixteen rupees the ser for all the opium so found in excess of that weight; and the opium, together with the vessels, packages and coverings in which it is found, and the animals and conveyances used in carrying it, shall be liable to confiscation.[a]

For possessing more opium than five tolas weight.

66. Nothing in section 65 applies to the persons and circumstances hereinafter specified, namely :—

Exception in favour of—

(*a*) authorized opium-cultivators having newly extracted opium in their possession during the usual period between the full growth of the poppy and the delivery of the produce to the opium agent :

Opium-cultivators :

(*b*) travellers and visitants from foreign States or countries having in their possession any quantity of foreign opium not exceeding two sers, or, in British Burma, five tolas, the produce of such foreign States and countries, and intended for the private use of such travellers and visitants, or their attendants, and not for sale or barter :

Travellers :

(*c*) dealers in horses travelling with strings of horses from beyond the limits of British India, and having in their possession opium, the produce of foreign States or countries, not exceeding in quantity the proportion of ten tolas weight for each horse.

and horse-dealers.

If opium be found in the possession of any such traveller, visitant or dealer in horses in excess of the quantities above specified, such excess shall be liable to confiscation; but the person in whose possession it may be found shall not be subject to any further penalty.

For possession of excessive quantity of opium travellers, by &c.

67. Every licensed vendor, who sells or offers for sale opium adulterated with any foreign substance, not being a preparation or admixture of opium for the sale of which he has taken out a license,

For sale of adulterated opium, &c., by licensed vendors.

or, who, except in districts exempted from the operation of section 18, sells or has in his possession any opium other than the opium supplied to him from the Government-stores,

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[a] Sections 65, 66 and 67 will be repealed by Act No. 1 of 1878, when that Act is brought into force in Ajmer and Merwára.

shall for every such offence be punished with fine not exceeding five hundred rupees, and the license held by him shall be withdrawn, and the opium, together with the vessels or packages in which it is found, shall be seized and confiscated.

For conniving at illicit manufacture or sale of spirits, &c.

68. Every proprietor, farmer, tahsíldár, gumáshta or other manager of land, who authorizes or connives at the manufacture of country-spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, shall for every such offence be punished with fine not exceeding five hundred rupees.

On Police neglecting to assist.

69. Any Police-officer who, without lawful excuse, neglects or refuses to assist as aforesaid, and any dárogha or other officer in charge of a Police-station, who, on application made by an excise-officer under section 45, fails to attend a search himself, or to depute a subordinate officer not being below the grade of a jamadár, shall for every such offence be punished with fine not exceeding five hundred rupees.

For maliciously giving false information.

70. Whoever maliciously gives false information against any person as being engaged in the unlawful manufacture of spirits, or as selling or having in his possession any spirituous or fermented liquors or intoxicating drugs in contravention of this Act, and so procures that such person be arrested or that any house, boat or other place be searched, to the injury or annoyance of such person, or any other person whatsoever, shall for every such offence be punished with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both.

Such fine or any part thereof may be paid to the person aggrieved.

For vexatious search or seizure.

71. Any excise-officer who, without reasonable ground of suspicion, searches or causes to be searched any house, boat or other place,

or vexatiously and unnecessarily seizes the moveable property of any person, on the pretence of seizing or searching for any spirituous liquors or intoxicating drugs liable to confiscation under this Act,

or vexatiously and unnecessarily arrests any person,

or commits any other excess not required for the execution of his duty,

shall for every such offence be punished with fine not exceeding five hundred rupees.

Such fine or any part thereof may be paid to the person aggrieved.

On excise-officers for delay in reporting arrest, &c., or in carrying person arrested to Magistrate.

72. Any excise-officer who neglects to report the particulars of an arrest, seizure or search within twenty-four hours thereafter, or delays carrying to the Magistrate or Collector, as the case may be, any person arrested, or any illicit articles seized under this Act, shall for every such offence be punished with fine not exceeding two hundred rupees.

For conniving at escape of

73. Any excise-officer unlawfully releasing or conniving at the escape of any person arrested under this Act, or conniving at the manufacture of spirits

or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, or by any licensed person, contrary to the terms of the license, or acting in a manner inconsistent with his duty, for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, or the excise-revenue defrauded; persons arrested, &c.

and any officer invested with local jurisdiction, authorizing or conniving at the establishment of any unlicensed shop for the sale of such liquors or drugs as aforesaid in any place subject to his control,

shall for every such offence be punished with fine not exceeding five hundred rupees.

74. All fines leviable for offences against this Act, and all seizures of goods liable to confiscation under this Act, shall be adjudged by the Magistrate on the information of the Collector or any excise-officer: Adjudication of penalties and seizures.

Provided that no such information shall be necessary in any case of complaint preferred to a Magistrate under section 59, 69, 70, 71, 72 or 73.

75. In all cases in which complaint or information is preferred to a Magistrate of offences committed against this Act, not being cases in which persons are sent in custody by a Collector or excise-officer, the Magistrate shall issue a summons requiring the attendance of the person accused. Procedure in cases other than those of persons sent in custody by Collector or excise-officer.

The rules contained in the Code of Criminal Procedure, for the trial of cases before a Magistrate and for appeal against orders passed by a Magistrate, shall apply to trials under this Act:

Provided that no complaint or information of an offence against this Act shall be admitted, unless it be preferred within six months after the commission of the offence to which the complaint or information refers.

76. Whenever any person is convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty provided for such offence, to imprisonment for a term not exceeding six months. Punishment on second or subsequent conviction.

A like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

77. Every person imprisoned for an offence under section 59, 69, 70, 71, 72 or 73, shall be confined in the criminal jail, and every person imprisoned for an offence under any other section shall be confined in the civil jail. Confinement in civil jail.

78. All things confiscated under this Act, except opium,[a] shall be disposed of by the Collector by public sale. Disposal of confiscated goods.

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[a] The words "except opium" and the second paragraph of this section will be repealed by Act No. I of 1878, when that Act is brought into force in Ajmer and Merwára.

Opium so confiscated shall be sent for examination to the Civil Surgeon of the station, and, if declared by him to be fit for use, shall be sent to the Government-factories, or otherwise disposed of in such manner as the Chief Revenue-Authority directs. If declared to be unfit for use, it shall be immediately destroyed.

Disposal of fines, &c., as rewards.

79. One-half of all fines levied from persons convicted of the unlawful manufacture of spirits, or of the unlawful sale or possession of spirituous or fermented liquors or intoxicating drugs, and one-half of the proceeds from sale of all confiscated articles [except opium, and in the case of opium confiscated and declared by the Civil Surgeon to be fit for use, a reward of one rupee eight annas for each ser] [a] shall, upon adjudication of the case, be awarded to the officer or officers who apprehended the offender.

The other half of such fines and forfeitures, and the other half of the proceeds of [[b] sale, or, in the case of opium as aforesaid, a reward of one rupee eight annas for each ser,] shall be given to the informer.

Rewards where no fine realized.

If in any case the fine or forfeiture is not realized, the Chief Revenue-Authority may grant such reasonable reward, not exceeding two hundred rupees, as may seem fit ; and such Authority may direct by general order what classes of excise-officers shall receive rewards, and what classes shall have no title to share therein.

Fines undisposed of to belong to Government. Special rewards to informers.

80. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government.

But the Chief Revenue-Authority may appropriate any portion thereof, not exceeding one-half, for rewarding informers, or for compensating persons subjected to annoyance or injury by any proceedings under this Act.

IX.—Military Cantonments.

Rules respecting manufacture and sale of spirits, &c., in cantonments.

81. Within the limits of any military cantonment, and within such distance from those limits as the Local Government in any case prescribes, no licenses for the manufacture of spirits, or for the sale of spirituous and fermented liquors, shall be granted, nor shall the duties leviable upon such spirits and liquors be let in farm, unless with the knowledge and consent of the commanding officer ;

and upon his requisition any license which has been granted, either by the Collector or by a farmer, within such distance or limits, shall be immediately withdrawn.

Mode of making arrest or search within cantonments.

82. In all other respects, the foregoing provisions of this Act shall have effect within such limits or distance :

a, b The words in brackets will be repealed by Act No. I of 1878, when that Act is brought into force in Ajmer and Merwára.

Provided that, when arrest or search is to be made within the limits of any cantonment, the Collector or other officer authorized under this Act to make arrest or search shall, whenever it may be practicable, give previous notice to the commanding officer, and in all other cases shall report the arrest or search to such commanding officer with as little delay as possible :

Provided also that nothing herein contained shall affect the provisions of Act No. XXII of 1864 (*to make provision for the Administration of Military Cantonments*).

X.—Miscellaneous.

Drawback on exportation.

83. A drawback of the duty levied under Part IV of this Act on spirits manufactured after the English method, and exported by sea to Aden or any port not situate in British India, shall be allowed by the Collector of Customs at the port of exportation :

Provided that the exportation be made within one year from the date of the payment of duty under this Act, and that the spirits, when brought to the custom-house, be accompanied by the pass in which such payment is certified.

The amount of drawback to be allowed upon spirits for which duty has been paid shall be regulated according to the strength and quantity of the said spirits, as ascertained by such proof and gauge.

The quantity of spirits, for which credit is to be given in the settlement of any bond, shall be determined in the same manner.

Drawback when not allowed.

84. No drawback shall be allowed on spirits exported to any port in British India except Aden, or on spirits shipped as stores.

Recovery of sums due under bond.

85. Any sum remaining due to Government upon the settlement of a bond executed according to the provisions of this Act, may be recovered by any process for the time being in force for the recovery of arrears of revenue due from farmers of land or their sureties, or by suit on the bond in any Court of competent jurisdiction.

Appeals from orders and sentences under Act.

86. All orders passed by a Collector under this Act shall be appealable to the Commissioner in the usual manner under the rules in force relative to appeals from the orders of Collectors.

Powers vested in officers of Opium Department.

87. In the districts in which the poppy is cultivated on account of Government, the Deputy Opium Agents and Sub-Deputy Agents shall exercise the powers conferred by this Act on Collectors, so far as the same relate to the suppression of illegal dealings in opium ;

and the officers of the Opium Department shall exercise the powers conferred by this Act on excise-officers for the seizure of illicit opium and the arrest of persons found in possession thereof ; and in respect to such seizures

and arrests, shall be deemed to be excise-officers within the meaning of this Act.[a]

N. W. P. AND OUDH MUNICIPALITIES ACT.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
2. Repeal of enactments.
3. Interpretation-clause.
4. Power to extend Act.
5. Power to define limits of places to which Act extends.

CHAPTER II.

APPOINTMENT OF MUNICIPAL COMMITTEES.

6. Appointment of committees.
7. Removal of members.
8. Addition of members.
9. *Ex officio* members.
10. Appointment of president and vice-president.
    Appointment of secretary.
11. Notification of appointments and removals of members.

CHAPTER III.

OFFICE AND MEETINGS OF COMMITTEES.

12. Committee to have an office.
13. Rules as to meetings.
14. Correspondence between committee and Local Government.

CHAPTER IV.

POWERS OF COMMITTEES.

15. Power to make assessments and levy taxes.

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[a] This section will be repealed by Act No. I of 1878 when that Act is brought into force in Ajmer and Merwára.

SECTIONS.

16. Specification of taxes.
17. Imposition of other taxes.
18. Taxes to be confirmed.
Rules for confirmation and collection of taxes.
19. No tax or rate invalid for defect of form.
20. Power of committees to make bye-laws.
21. Enforcement of bye-laws and rules.
22. Power to make rules as to nuisances, hire of carriages and registration of births, marriages and deaths.
23. Confirmation of rules.
24. Publication of rules and bye-laws.
25. Power to prohibit repetition or continuance of nuisances.
26. Power to remove nuisances.
27. Power to buy and sell land for purposes of Act.
Receipts.
28. Cancellation and suspension of proceedings.
Conduct of litigation.
29. Abolition of taxes.

CHAPTER V.

RIGHTS, DUTIES AND LIABILITIES OF COMMITTTEES.

30. Municipal fund.
31. Custody and disbursement of municipal fund.
32. Duties and powers of committees.
33. Contracts.
34. Provision for Police.
35. Police to aid in carrying out orders regarding nuisances.
36. Annual reports and accounts to be submitted.
37. Rules as to cost and class of works.
38. Right of committee in public highways.
39. Acquisition of land for municipal purposes.
40. Suits by and against committees.
41. Members not personally liable for contracts made by committee.
42. Liability of members for breach of trust.
43. Notice previous to suing committee or their officers.

CHAPTER VI.

PENALTIES AND PROSECUTIONS AND RECOVERY OF TAXES.

44. Penalty on member or servant of committee being interested in contracts made with committee.
45. Penalty for infringement of rules or non-payment of fines.
46. Prosecutions.
47. Recovery of taxes.

ACT No. XV OF 1873.

Received the Governor General's assent on the 21st of November 1873.

An Act to make better provision for the appointment of Municipal Committees in the North-Western Provinces and Oudh, and for other purposes.[a]

Preamble.

WHEREAS it is expedient to make better provision for the appointment of municipal committees in the North-Western Provinces and Oudh, and for the Police, conservancy and local improvements, and for education, and for the evying of rates and taxes, in the places to which this Act may be extended; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called 'The North-Western Provinces and Oudh Municipalities Act, 1873:"

Local extent.

It extends to the territories for the time being respectively under the government of the Lieutenant-Governor of the North-Western Provinces and under the administration of the Chief Commissioner of Oudh.

Repeal of enactments.

2. Acts Nos. XVIII of 1864 *(to provide for the appointment of a Municipal Committee for the City of Lucknow)*, XXII of 1865 *(to amend Act No. XVIII of 1864)*, XV of 1867 *(to make better provision for the appointment of Municipal Committees in the Panjáb, and for other purposes)*, and VI of 1868 *(to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes)* are repealed.

But all extensions and appointments made, and all limits defined, under any of the said Acts, shall be deemed to be respectively made and defined under this Act.

And all assessments, bye-laws, rules and regulations of any kind relating to matters provided for by this Act, which may heretofore have been made and approved by the Local Government, shall be deemed to have been made under this Act.

And all proceedings taken under any such assessment, bye-law, rule or regulation shall be deemed to be as valid as if they had been taken under this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"committee."

"committee" means a municipal committee appointed under the provisions of this Act, and

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[a] Extended, under section 5 of Act XIV of 1874, to the Scheduled District of Ajmer and Merwára, Foreign Department Notification No. 171J, 19th October, 1877.

"municipality" means any town or towns to which this Act may be extended. "municipality."

4. The Local Government may, by notification published in the local official Gazette, declare its intention to extend this Act, or any of its provisions, to any town or towns in the territories under such Government. Power to extend Act.

Any inhabitant of such town objecting to such extension may, within six weeks from the date of the said publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration.

When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in its opinion, they are insufficient, may, by like notification, effect the proposed extension.

5. For the purposes of this Act, the Local Government may from time to time, by notification in the local official Gazette, define the limits of any town, and may include within the limits of such town any railway-station, village, building or land in the vicinity: Power to define limits of places to which Act extends.

Provided that no cantonment shall, without the previous consent of the Governor General in Council, be included within the limits of any town for the purposes of this Act.

The Local Government may from time to time, by notification in the local official Gazette, declare to be united for the purposes of this Act any two or more towns, and may also declare by what name the municipality so formed shall be designated.

CHAPTER II.

Appointment of Municipal Committees.

6. In any municipality to which this Act shall have been extended, the Local Government may appoint or direct to be appointed by election, for such period, not exceeding two years, as to it may seem fit, any number of the inhabitants of, or of persons possessing property or carrying on any trade or business in, such municipality, to be members of a committee for carrying out the purposes of the Act. Appointment of committees.

The persons so appointed shall continue in office for two years, or until their successors shall have been appointed, and shall be eligible for re-appointment.

In cases where the Local Government directs the appointment to be by election, it may fix the time and manner of the election and the qualifications of the electors, and of the candidates for office, and, generally, may make such rules as it thinks fit for regulating the election.

Removal of members.

7. The Local Government may from time to time remove any of the members of the committee so appointed who desire to be discharged, or refuse or become incapable to act, or are convicted of an offence punishable under the Indian Penal Code with imprisonment for a term of not less than six months.

Addition of members.

8. The Local Government may also fill up vacancies occurring among the members of the committee, and may, if it think fit, on the recommendation of the committee, add to their number.

Every member so appointed shall have the same powers, and be subject to the same liabilities, and vacate his office, and be eligible for re-appointment, as if he had been originally appointed a member under section 6.

Ex officio members.

9. In addition to the members appointed as aforesaid, the Local Government shall have power to appoint *ex officio* members of the committee for every place in which they exercise their offices and to which this Act shall have been extended:

Provided that the number of such *ex officio* members shall not be more than one-third of the total number of the committee.

Appointment of president and vice-president.

10. The Local Government may also appoint the president and vice-president, or either of them, of any committee, or sanction the election by any committee of one of their members as president or as vice-president.

Appointment of secretary.

The committee may appoint any one of their members or any other person to be their secretary.

Notification of appointments and removals of members.

11. All appointments and removals of members of a committee, made under this chapter, shall be notified in the local official Gazette.

CHAPTER III.

Office and Meetings of Committees.

Committee to have an office.

12. The committee shall have an office, where they shall meet for the transaction of business at least once in every month.

Rules as to meetings.

13. (*a*). The president, or, in his absence, the vice-president, shall take the chair at every meeting of the committee. In the absence of both the president and vice-president, the members present may elect a chairman for the occasion.

(*b*). The meetings shall be either general or special.

(*c*). The president or vice-president may, whenever he thinks fit, and he shall, upon a requisition made in writing by not less than one-fifth in number of the members, convene a meeting.

(*d*). Notice shall be given of every such meeting, and when the meeting is to be special, at least three days' notice thereof shall be given. Every notice shall state generally the nature of the business to be transacted at the meeting proposed to be called.

(*e*). The quorum necessary for the transaction of business at a general meeting shall be three.

(*f*). The quorum necessary for the transaction of business at a special meeting shall be one-half of the total number of the members of the committee at the time of the meeting; and at least two-thirds of such quorum shall consist of non-official members.

(*g*). If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if summoned by the president or vice-president, shall be dissolved.

In any other case it shall stand adjourned to the same day in the next week at the same time and place. And if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

(*h*). All business may be transacted at a general meeting which this Act does not require to be transacted at a special meeting.

(*i*). All questions which may come before the committee at any meetings shall be decided by a majority of votes. Every member shall have one vote. In case of equality of votes, the chairman shall have a second or casting vote.

(*j*). Such decisions shall be recorded in a book kept for the purpose, and shall be published in some local English or vernacular newspaper (if any), or in such other manner as the Local Government may from time to time direct.

Correspondence between committee and Local Government.

14. All correspondence between the committee and the Local Government shall pass through the Commissioner of the Division.

The Commissioner of the Division shall be entitled to make such suggestions for the consideration of the committee as he may deem fit; and the committee shall furnish him with any information he may call for connected with the duties imposed upon them by this Act.

CHAPTER IV.

Powers of Committees.

Power to make assessments and levy taxes.

15. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf,

every committee intending to impose taxes for the purposes of this Act, shall from time to time give notice of such intention, and shall in such notice define the persons or property within the municipality to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the chairman of the committee, and the committee shall take such objection into consideration and report their opinion thereon to the Local Government.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in the opinion of the committee, they are insufficient, the committee may, with the previous sanction of the Local Government, to be notified in the official Gazette, define the persons or property to be taxed and the amount or rate of the taxes aforesaid, and may then at a special meeting impose such taxes accordingly.

The committee may, at a special meeting, with the same sanction, cancel or vary any tax so imposed.

Specification of taxes.

16. Such taxes may (subject to the rules or orders last aforesaid) be all or any of the following :—

(*a*).—A tax on houses, buildings and lands according to the annual value thereof, not exceeding seven and a half per cent. of such value :

(*b*).—A tax on professions and trades :

(*c*).—Taxes on carriages, horses, mules, elephants, camels, bullocks and asses :

(*d*).—Tolls on carriages, carts and animals entering the limits of the municipality :

(*e*).—An octroi on articles brought within the said limits for consumption or use therein : Provided that a list of such articles shall been have submitted to and approved by the Local Government : Provided also, that the Local Government may exempt from the octroi any such articles intended for consumption or use by any class of persons or animals.

Imposition of other taxes.

17. If the committee desire to impose any other or further tax than such as are hereinbefore specified, they may do so with the previous sanction of the Local Government and of the Governor General in Council, and subject to the provisions of section 15.

Taxes to be confirmed.

18. No tax shall be collected until the assessment thereof has been confirmed by such persons and in such manner as the Local Government appoints in this behalf.

Rules for confirmation and collection of taxes.

The Local Government may from time to time make rules as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed, and for the collection of such taxes.

The Local Government may from time to time repeal, alter or add to such rules.

No tax or rate invalid for defect of form.

19. No tax or toll, or rate on property, made under this Act shall be invalid for defect of form ; and it shall be enough, in any such rate on property, or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Bye-laws and Rules.

20. Every committee may at a special meeting make bye-laws consistent with this Act, for regulating the time and place of their meeting, the conduct of their business, the division of duties among the members of the committee, the salaries, appointment, suspension and removal of the officers and servants of the committee, and other similar matters.

Power of committees to make bye-laws.

21. The committee may appoint one or more of their number to carry out their resolutions, and to enforce the bye-laws and rules made, under the provisions of this Act, for the protection of the public health, or they may appoint a special officer for such purposes.

Enforcement of bye-laws and rules.

22. The committee may at a special meeting make rules

Power to make rules as to nuisances,

for declaring what acts or omissions within the municipality shall be considered to be public nuisances;

for defining the cases, manner and times in and at which the officers of the committee may enter upon private property for the detection and abatement of nuisances;

for determining the rates of hire of carriages, carts and boats plying for hire within the limits of the municipality;

hire of carriages, and

for securing a proper registration of births, marriages and deaths,

registration of births, marriages and deaths.

and for carrying out all or any of the purposes of this Act.

The committee may from time to time, at a special meeting, repeal, alter or add to such rules.

23. No rule, and no alteration or repeal of, or addition to, a rule, made under this Act, shall have effect until it has been confirmed by the Local Government.

Confirmation of rules.

24. All bye-laws and rules made under this Act, and all alterations and repeals of, and additions to, such bye-laws and rules shall be published for such length of time and in such manner as the Local Government from time to time directs.

Publication of rules and bye-laws.

Nuisances.

25. Every committee may enjoin within the limits of the municipality any person not to repeat or continue a public nuisance.

Every such injunction shall be deemed to have been made by a public servant.

Power to prohibit repetition or continuance of nuisances.

26. Every committee which the Local Government authorizes in this behalf may, so long as such authorization continues, exercise the powers of a Magistrate of a District as described in section 521 of the Code of Criminal Procedure, for the removal of nuisances; and in the exercise of such powers

Power to remove nuisances.

shall follow the procedure prescribed in sections 521 to 528 (both inclusive) of the same Code.

Purchase and Sale of Land.

Power to buy and sell land for purposes of Act.

27. Any committee may at a special meeting, and with the previous sanction of the Local Government, purchase land for the purposes of this Act, and may at a like meeting and with the like sanction sell any portion of such land which is not required for the purposes aforesaid, and convey the same in the names of the president and two of the members of the committee.

Receipts.

The receipt of the president and any two members of the committee for any monies paid to them upon any such sale, shall effectually discharge the persons paying the same therefrom, or from being concerned to see to the application thereof, or being accountable for the non-application or mis-application thereof; and the proceeds of any such sale shall be applied for the purposes of this Act.

Controlling Power of Local Government.

Cancellation and suspension of proceedings.

28. The Local Government may by order cancel, suspend or limit any of the acts, proceedings, bye-laws or rules of any committee.

Conduct of litigation.

To every suit or other proceeding brought against a committee, the Local Government shall be made a party.

Abolition of taxes.

29. The Local Government may also abolish any tax which shall have been sanctioned under the provisions hereinbefore contained, but not so as to entitle any person to a refund of money paid in respect of such tax.

CHAPTER V.

Rights, Duties and Liabilities of Committees.

Municipal Fund.

Municipal fund.

30. All sums received by the committee of any municipality to which this Act extends,

and all fines levied under this Act, or under Act No. V of 1861 (*for the regulation of Police*), on account of nuisances committed within the municipal limits,

and all receipts from property entrusted to and managed by the committee,

shall constitute a fund which shall be called the municipal fund of such municipality, and shall, together with all property which may become vested in such committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

31. The municipal fund shall, as a rule, be kept in the Government-treasury of the district, or in the bank (if any) to which the Government-treasury business shall have been made over. **Custody and disbursement of municipal fund**

But in places where there is no such treasury or bank, the said fund may, with the previous sanction of the Local Government, be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government in each case thinks sufficient.

No disbursement of the municipal fund or any part thereof shall be made except under the signature of the president or vice-president and one other member of the committee.

32. Every committee, so far as the municipal fund at their disposal will permit, shall, after providing out of such fund for a Police-establishment in the manner hereinafter mentioned, keep the public streets, roads, drains, tanks and water-courses of the municipality for which they are appointed, clean and in repair, **Duties and powers of committees.**

and may cause such streets and roads or any of them to be watered and lighted,

and may construct and provide for the management of poor-houses, dispensaries, market-places and other works of general utility,

and, generally, may do all acts and things necessary for the purposes of conservancy and general utility within their municipality.

The committee may also make provision, by the establishment of new schools or the aiding of already existing schools, or otherwise, for the promotion of education in their municipality.

33. Every contract made on behalf of any committee in respect of any sum exceeding twenty rupees, or in respect of any property exceeding twenty rupees in value, shall be in writing, and shall be signed by the president or vice-president and at least two other members of the committee, of whom one shall be an *ex officio* member. Unless so executed, it shall not be binding on the committee. **Contracts.**

Municipal Police.

34. Every committee shall provide in the first place, from its funds, for the maintenance of the Police-establishment in the municipality. **Provision for Police.**

The municipal Police shall be appointed under such Act of the Governor General in Council as may be applicable to the town, and their number shall be fixed by the committee in consultation with the Inspector General of Police, subject to the final decision of the Local Government.

35. Every officer of Police in any municipality to which this Act shall have been extended, may take into custody without a warrant any person who, **Police to aid in carrying out orders**

regarding nuisances.

within his view, commits any of the offences mentioned in section 34 of Act No. V of 1861 (*for the regulation of Police*), and shall carry out the orders issued by the committee for the prohibition and prevention of public nuisances, or nuisances declared to be such by any rule made under this Act.

Annual Reports and Accounts.

Annual reports and accounts to be submitted.

36. Every committee shall annually, or oftener if directed by the Local Government to do so, submit reports of all works executed, or proceedings taken, by them under the authority of this Act, and also accounts of and relating to the municipal fund.

Such accounts shall be examined or audited in such manner as the Local Government from time to time prescribes.

The committee shall also submit, at such time and in such form as may be directed by the Local Government, an estimate of their probable receipts for the financial year next following, with proposals for their expenditure.

An abstract of such estimate and proposals shall, on being so submitted, be published in such manner as the Local Government from time to time directs.

Rules as to cost and class of works.

37. The Local Government may from time to time make rules consistent with this Act, as to the cost and the class of works which the committee may execute, and the committee shall be legally bound to obey such rules.

Public Highways.

Right of committee in public highways.

38. All public highways in any municipality in which this Act is in force, not specially reserved by Government, together with all erections thereon and all materials thereof, shall be vested in and belong to the committee.

Land required for Public Purposes.

Acquisition of land for municipal purposes.

39. When any land within the limits of any municipality to which this Act is extended is required for the construction or improvement of a highway, for the promotion of the healthiness of the neighbourhood, or for any other public purpose, if the committee cannot agree with the owner for the purchase thereof, the Local Government, on the recommendation of the committee, may notify in the local official Gazette that such land is required under the provisions of the Land Acquisition Act, 1870;

and, on payment by the committee of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Suits by and against Committees.

Suits by and against committees.

40. Every committee shall sue and be sued in the name of their president.

Members not personally liable for

41. No member of a committee shall be personally liable for any contract made or expense incurred by or on behalf of the committee, but the funds

from time to time in the hands of the committee shall be liable for and chargeable with all contracts made in the manner above provided for.

contracts made by committee.

42. Every member of a committee shall be liable for any misapplication of money entrusted to the committee to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty; and he shall be liable to be sued for the same in such Court as the Local Government directs, as for money due to Government.

Liability of members for breach of trust.

43. No suit shall be brought against a committee or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Notice previous to suing committee or their officers.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the cause of suit and not afterwards.

If any person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

CHAPTER VI.

Penalties and Prosecutions and Recovery of Taxes.

44. No member of a committee, or servant of a committee, shall be interested directly or indirectly in any contract made with the committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred rupees:

Penalty on member or servant of committee being interested in contracts made with committee.

Provided that no person shall by reason of being a shareholder in or member of any incorporated or registered Company be deemed interested in any contract entered into between such Company and the committee.

45. Whoever infringes any rule made by a committee and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty rupees, and in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the committee of such infringement.

Penalty for infringement of rules or non-payment of fines.

In default of payment of any fine imposed under this section, the defaulter shall, in the case of a continuing infringement, be liable to imprisonment for a term not exceeding one month; and in any other case, to imprisonment for a term not exceeding eight days.

46. Prosecutions under this Act for infringements of rules may be instituted

Prosecutions.

before any Magistrate by the committee or any person authorized by the committee in this behalf.

Recovery of taxes.

47. All arrears of taxes imposed under this Act may be recovered as if they were fines, in the manner prescribed in section 307 of the Code of Criminal Procedure.

THE EUROPEAN BRITISH MINORS ACT, 1874.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Personal application.
   Commencement.
2. Interpretation-clause.

PART II.

APPOINTMENT OF GUARDIANS.

3. Appointment by parent.
4. Appointment by Court.
5. Application for appointment.
   Stamp.
   Verification.
   Notice of application.
6. Production of minor.
7. Evidence of fitness.
8. Procedure.
   Forms.
   Subsidiary rules.
9. Orders under Act not to be contested.
10. Rules for awarding custody of minor.

PART III.

GUARDIANS' DUTIES, RIGHTS AND LIABILITIES.

A.—Guardians of the Person.

11. Duties of guardian of the person.
12. Ward's religion.

SECTIONS.

13. Guardian entitled to custody of ward.
14. Removal of ward from jurisdiction.

B.—Guardians of Property.

15. Duties of guardian of property.
Prohibition of waste.
16. Power to lease.
17. Power to use principal for ward's maintenance, &c.
18. Rules as to guardians of property.

C.—As to all Guardians.

19. Minor guardians incompetent to act.
20. Guardians under control of Court.
21. Death of joint guardian.
22. Removal of guardian.
Appointment of successor.
23. Resignation of guardian.
24. Application for appointment on guardian's removal or resignation.
25. Close of authority of guardian.

SCHEDULE OF FORMS.

BENGAL SECRETARIAT LIBRARY.

ACT No. XIII OF 1874.

Received the Governor General's assent on the 8th of December 1874.

An Act to provide in the Panjáb and elsewhere for the guardianship of European British Minors.

WHEREAS it is expedient to provide in the Panjáb, Oudh, the Central Provinces, British Burma, Coorg, Ajmer and Merwára and Assam for the guardianship of minors who either are born in the United Kingdom or any British colony, or are the children or grandchildren of persons so born; It is hereby enacted as follows:— **Preamble.**

PART I.

PRELIMINARY.

1. This Act may be called "The European British Minors Act, 1874:" **Short title.**

It extends to the territories respectively subject to the government of the Lieutenant-Governor of the Panjáb and to the administration of the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, Ajmer and Merwára and Assam; **Local extent.**

Personal application.

So far as relates to minors, it applies only to persons born in the United Kingdom of Great Britain and Ireland, or any British colony, plantation or settlement other than British India, and to their children and grandchildren;

Commencement.

And it shall come into force at once.

Interpretation-clause.

2. In this Act—

'Minor.'

'minor' means a person who has not completed the age of eighteen years;

'Guardian.'

'guardian' means a person who is appointed to take care of a minor's person or property, or both; and

'Court.'

'Court' means the highest civil Court of appeal in any territory (other than British Burma) to which this Act extends.

In British Burma 'Court' means, in the town of Rangoon, the Court of the Recorder of Rangoon, and, elsewhere, the Court of the Deputy Commissioner.

PART II.

Appointment of Guardians.

Appointment by parent.

3. A guardian of the person or property, or both, of any minor may be appointed by will or other instrument to take effect upon the death of the parent appointing—

(*a*) if the minor is legitimate, by the father, or by either parent if the other is dead or incapable of acting;

(*b*) if the minor is illegitimate, by the mother.

Appointment by Court.

4. If the Court within the local limits of whose jurisdiction any minor resides finds that the guardianship of his person or property has not been sufficiently provided for under section 3, the Court may appoint a guardian of his person or property, or both, as the case may be.

If the minor has several properties, the Court may, if it think fit, appoint a guardian for each such property.

If the Court appoints a guardian for any property situate beyond the local limits of its jurisdiction, the Court within the local limits of whose jurisdiction such property may be situate shall accept such guardian as duly appointed and give effect to the order appointing him.

Application for appointment.

5. Whoever desires to be appointed the guardian of a minor's person or property, or both, may apply to the Court within the local limits of whose jurisdiction the minor resides by petition setting forth the grounds of his application, and showing—

(*a*) the minor's age and residence;

(*b*) the nature and amount of his property;

(*c*) what relatives he has in India or elsewhere, and

(*d*) the qualifications of the proposed guardian and his willingness to act as such.

The petition shall bear a stamp of five rupees, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence. **Stamp.** **Verification.**

The Court, if satisfied that there is ground for proceeding, shall give notice of the application to the person (if any) named in the petition as having the custody or being in possession of the person or property of such minor, as well as to any other person whom the Court may think should receive such notice, and shall fix as early a day as may be convenient for the hearing of the petition. **Notice of application.**

6. The Court may direct that the person (if any) having the custody of such minor shall produce him at such place and time as may be appointed by the Court, and may make such order for the temporary custody and protection of the minor's person or property as may appear proper. **Production of minor.**

7. On the day fixed for the hearing of the petition or as soon after as may be practicable, the petitioner shall adduce evidence to shew the fitness of the proposed guardian; **Evidence of fitness.**

and the Court shall make such order as it thinks fit in respect to the guardianship of the minor's person or property, or both, and the costs of the case.

8. In cases instituted under this Act, the Court shall be guided by the procedure prescribed in the Code of Civil Procedure in so far as the same is applicable; and any order made by the Court under section 6 or section 7 may be enforced as if such order has been made in a regular suit or on appeal; and all orders made under this Act by Deputy Commissioners in British Burma shall be appealable as if they were decrees. **Procedure.**

The forms set forth in the schedule hereto annexed, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule. **Forms.**

And the Court may from time to time prescribe rules consistent with this Act for regulating the procedure hereunder: **Subsidiary rules.**

Provided that, in the case of Courts of Deputy Commissioners in British Burma, such rules shall be prescribed by the Judicial Commissioner.

9. Save as provided by section 8, no order passed under this Act in respect to the guardianship of a minor's person or property shall be liable to be contested in any other proceeding. **Orders under Act not to be contested.**

Rules for awarding custody of minor.

10. In appointing the guardian of a minor, the Court shall be guided by the following considerations:—

(*a*)—By what appears to be for the best interest of the minor in respect to his temporal and his mental and moral welfare; and if the minor is old enough to form an intelligent preference, the Court may consider that preference:

(*b*)—As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right; but if, other things being equal, the minor is of tender years, he should be given to the mother: if he is of an age to require education and preparation for labour and business, then to the father:

(*c*)—The Court shall also consider the following circumstances according as they may bear upon the guardianship of person or of property:—

(1) Nearness of relationship;

(2) The wishes of a deceased parent;

(3) Any existing or previous connection of the proposed guardian with the minor's person or property.

PART III.

Guardians' Duties, Rights and Liabilities.

A.—Guardians of the Person.

Duties of guardian of the person.

11. A guardian of the person is charged with the custody of the ward, and must look to his support, health and education.

Ward's religion.

12. A ward is presumed to be of his father's religion; and the guardian, in the absence of the Court's direction to the contrary, must train the ward in such religion. If the ward is old enough to form an intelligent preference for any religion, the Court, in giving such direction, shall attend to such preference.

Guardian entitled to custody of ward.

13. Any ward who may desert his home may be compelled by order of the Court to return. But such order may be withheld by the Court if it appear—

(*a*) that the ward has been subjected to maltreatment at the hands of his guardian;

(*b*) that the conduct of the guardian in other respects renders him unfit for the office, or

(*c*) that the ward is on reasonable grounds unwilling to return and is old enough to form an intelligent preference on such a subject.

Removal of ward from jurisdiction.

14. No guardian of the person appointed by the Court shall, without the leave of the Court, remove its ward from the limits of its jurisdiction.

Any person wilfully contravening this prohibition shall be liable by order of the Court to fine not exceeding one thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

B.—Guardians of Property.

15. A guardian of the property shall keep safely the property of his ward. **Duties of guardian of property.**

In the case of immoveable property, he shall not suffer any waste, but shall maintain the buildings (if any) thereon and their appurtenances out of the rents and profits of the property. **Prohibition of waste.**

16. The guardian of any immoveable property may make leases for any term not exceeding a year, or from year to year, of such property or any part thereof; and with the sanction of the Court, may make such lease of the property, or any part thereof, for such term of years and subject to such rents and covenants as the Court may direct; but in no such case shall any fine or premium be taken. **Power to lease.**

The lease shall be settled by an officer of the Court, and a counterpart thereof shall be executed by the lessee, and shall be deposited for safe custody in the Court until the ward completes the age of eighteen years; but all proper parties shall have the use thereof, if necessary, for the purpose of enforcing any covenant therein contained.

17. The Court may order that the principal of the ward's property, or any part thereof, shall be applied for his maintenance, education or advancement, and the guardian of such property shall obey such order. **Power to use principal for ward's maintenance, &c.**

18. Every guardian of the property of a minor shall— **Rules as to guardians of property.**

(*a*) give such security, if any, as the Court thinks fit duly to account for what he shall receive in respect of the minor's property;

(*b*) pass his accounts at such periods and in such form as the Court directs;

(*c*) pay the balance due from him thereon;

(*d*) be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties;

(*e*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

C.—As to all Guardians.

19. No person appointed a guardian shall be competent to act as such unless he has completed the age of eighteen years. **Minor guardians incompetent to act.**

20. Every guardian, whether appointed by a parent or under this Act by a Court, is subject to the control of the Court within the local limits of whose jurisdiction he resides. **Guardian under control of Court.**

21. On the death of one of two or more joint guardians, whether appointed **Death of**

Joint guardian.

by a parent or under this Act, the power continues to the survivor or survivors until a further appointment is made by the Court.

Removal of guardian.

22. A guardian may be removed by the Court for any of the following causes:—

(*a*) for abuse of his trust;

(*b*) for continued failure to perform its duties;

(*c*) for incapacity to perform its duties;

(*d*) for gross immorality;

(*e*) for having an interest adverse to the faithful performance of his duties;

(*f*) for removal from the local limits of the jurisdiction of the Court;

(*g*) the arrival within such local limits of some person whose guardianship the Court may think likely to be more beneficial to the minor than the guardianship of the person so removed;

(*h*) in the case of a guardian of the property, for insolvency.

Appointment of successor.

In any such case the Court may appoint a successor to the guardian so removed.

Resignation of guardian.

23. Any guardian, whether appointed by a parent or by the Court, desiring to resign his office may apply to the Court to discharge him,

and if the Court finds that there is some other proper person whom it may appoint to such guardianship, it shall discharge the guardian accordingly and appoint such other proper person in his place.

Application for appointment on guardian's removal or resignation.

24. Applications for appointments under section 22 or section 23 shall be made in manner provided in section 5; and the procedure thereon shall be in accordance with section 7.

Close of authority of guardian.

25. The power of a guardian of the person ceases—

(*a*) by his removal or discharge;

(*b*) by the ward's attaining majority, and,

(*c*) in the case of a female ward, by her marriage followed by cohabitation.

The power of a guardian of the property ceases—

(*a*) by his removal or discharge;

(*b*) by the ward's attaining majority.

SCHEDULE.

I.—Petition for Appointment of Guardian.

(*See section 5*).

In the Chief Court of the Panjáb [*or* In the Court of the Recorder of Rangoon, *or as the case may be*].

In the matter of *A. B.*, a minor, by *C. D.*, his next friend.

To Mr. Justice (*or as the case may be*).

The petition of *C. D.* of

Sheweth—

1. The said *A. B.* is now of the age of years and upwards. He is the same person as '*A.*, son of *C.* and *L. B.*' named in the paper-writing now produced and shown to me and marked *A*, and purporting to be a copy under the seal of the General Register Office of the entry No. in the certified copy of entries of births in the district of *D*, in the county of *L*, for the year 187

2. The said *A. B.* is absolutely entitled, under the will of *his maternal uncle E. F.*, late of (*residence and addition*) to the following properties (namely) :—

(*a*) a house in let to *N. O.* as yearly tenant at Rs. 1,000 a year ;

(*b*) rupees 20,000 in the four per cent. securities of the Government of India, standing in the names of *R. S.* and *T. W.*, the trustees of the will of the said *E. F.* ;

(*c*) rupees 800 cash in the hands of the said *R. S.* and *T. W.*, arisen from dividends on the said stock.

3. The only relations of the said *A. B.* now living are—(*a*), your petitioner, his maternal uncle ; (*b*)—*S. H.*, wife of *T. H.* of (*residence and addition*), the half-sister of the said *A. B.*, and (*c*)—*R. D. V.*, the half-brother of the said *A. B.*, who is a Captain in Her Majesty's Army, and now stationed at Bombay.

4. The said *A. B.* was, at the time of the death of his father, *C. B.*, which happened on the 187 , and is now, residing as a scholar at Bishop Cotton's School, Simla, in the custody of the Rev. *M. N.*, the head-master.

5. Your petitioner [*here state his qualifications as guardian, e. g., that he has attained his majority, is married, has children, resides with his family at some reasonably healthy place, mentioning it, holds a responsible office, stating it*] and is willing to act as the guardian of the person and property [*or as may be*] of the said *A. B.* during his minority in case this Hon'ble Court shall think fit to appoint me to that office.

Your petitioner therefore prays this Hon'ble Court—

1. That your petitioner or some other proper person may, upon giving security, be appointed the guardian of the person and property of the said *A. B.* during his minority, or until further order.

2. And that the said *C. D.* or other such guardian may from time to time pass his accounts and pay the balances which shall be certified to be due from him into the Government-treasury to the credit of this matter, and that such

balances may be laid out in securities of the Government of India, or in loans or bonds secured by the Imperial Parliament on the revenues of India, or in debentures of railways guaranteed by the Government of India, and the interest to accrue thereon and all accumulations of interest be laid out in like manner.

3. And that the costs of this petition may be taxed as between attorney and client; and that the said *C. D.* or other such guardian may retain and pay the same out of any monies of the said minor which may come to his hands and be allowed the same on passing his said accounts.

(*Signed*) *C. D.*

Form of Verification.

(*See section 5*).

I, *C. D.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

II.—Affidavit of Fitness of Guardian.

(*See section 7*).

In the Chief Court, &c., (*or as the case may be*).

In the matter of *A. B.*, a minor, by *C. D.*, his next friend.

I, E. F., of (*residence and addition*), make oath and say as follows:—

1. I know and have for years past been well acquainted with *C. D.*, the petitioner in this matter.

2. The said *C. D.* is married and has children, namely, a son of the age of years and daughters of the respective ages of and years.

3. The said *C. D.* resides with his wife and children at

4. In my judgment and belief the said *C. D.* is a fit and proper person to be appointed guardian of the person and property of his nephew, the said minor *A. B.*, for the following reasons (*state them*):

Sworn at , this day of 187 , before me

E. F.

(*Official character and description of E. F.*)

III.—Recognizance by a Guardian of Property and his Surety, after an Order appointing him subject to his giving Security.

Stamp as in case of a bond.

(*Short title.*)

The senior Judge of the Chief Court of the Panjab [*or as the case may be*] has approved of and allowed this recognizance.

X. Y., *Registrar.*

C. D., (*the principal*), of (*residence and addition*), and *L. M.* (*the surety*) acknowledge themselves and each of them acknowledges himself to owe to the Secretary of State for India in Council the sum of Rs. [*to be regulated by the sum which the guardian is likely to receive during the currency of his periodical account*] to be paid to the said Secretary of State for India in Council; and unless they pay the same, they, the said *C. D.* and *L. M.*, do and each of them doth grant for himself, his executors and administrators that the said sum shall be levied and received from them and each of them and from their and his moveable and immoveable property.

Dated the day of 187 .

WHEREAS, by an order of the Court of , made by (*name the Judge*), in a certain matter there depending, intituled 'In the matter of ' [*Recite the order appointing the guardian, subject to his giving security and continue thus*] :—

And whereas (*name the Judge who has approved of the surety and recognizance*) has approved of the above-bounden *L. M.* as surety for the said *C. D.*, and hath also approved of the above written recognizance with the under-written condition as a proper security to be entered into by the said *C. D.* and *L. M.* pursuant to the said order, and in testimony of the said approbation, the Registrar [*or as the case may be*] of the said Court hath signed an allowance in the margin thereof.

Now the condition of the above-written recognizance is such, that if the said *C. D.* shall duly account for every sum of money which he shall receive on account of the property of the said minor *A. B.* and the rents and profits and other income thereof, at such periods as the said Judge shall appoint, and shall duly pay the balances which shall from time to time be certified to be due

from him as the said Court or Judge hath directed, or shall hereafter direct, then the above recognizance shall be void, otherwise the same shall remain in force.

C. D. } Taken and acknowledged by the above-named *C. D.* and *L. M.*,
L. M. } at in this day of 187 before me
(*Signature and style of office of the officer by whom the recognizance is taken*).

ACT No. XV OF 1875.

Received the Governor General's assent on the 15th of July 1875.

An Act to amend the Panjáb Laws Act, 1872.[a]

Preamble.

WHEREAS, in order to provide for the establishment of Rural Police and for the more efficient administration of law in the Panjáb, it is expedient to amend the Panjáb Laws Act, 1872; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Panjáb Laws Amendment Act, 1875:"

Local extent.

It extends to the territories for the time being under the government of the Lieutenant-Governor of the Panjáb;

Commencement.

And it shall come into force at once.

Addition to Act IV of 1872.

2. The said Panjáb Laws Act, 1872, shall be read as if the following sections were inserted next after section 39 thereof:—

Power to establish village-watchman-system and to make rules.

"39 A. The Local Government may establish a system of village-watchmen in any part of the territories under its administration and not comprised within the limits of a municipality, and in furtherance of this object may from time to time make rules to provide for the following matters:—

(*a*) the definition of the limits of watchmen's beats;

(*b*) the determination of the several grades of watchmen, and the number of each grade to be appointed to each beat;

(*c*) the appointment, suspension, dismissal and resignation of watchmen of each grade;

(*d*) the equipment and discipline of, and the control and supervision over, such watchmen;

(*e*) the conferring upon them, and the exercise by them, of any powers, and the enjoyment by them of any protection or privilege, which may be exercised and enjoyed by a Police-officer under any Act for the time being in force;

(*f*) the performance by them of such duties relating to Police, sanitation

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[a] Extended, by notification under Act No. XIV of 1874, section 5, to the Scheduled District of Ajmer and Merwára, with the necessary verbal alteration for application to Ajmer and Merwára instead of to the Panjáb, Foreign Department Notification No. 171J, dated 19th October, 1877.

or statistics, or for the benefit of the village-communities within their beat, as the Local Government thinks fit;

(*g*) the exercise of authority over, and the rendering of aid to, such watchmen, by the headmen of the villages comprised in their respective beats;

(*h*) the performance, by the headmen of the villages comprised in the beat, of any of the duties of a village-watchman in aid of, or substitution for, such watchman;

(*i*) the exercise, by such village-headmen, of any of the powers, and the enjoyment by them of any privilege or protection, of a village-watchman for the purposes referred to in clauses (*g*) and (*h*) of this section;

(*j*) the determination of the rate at which, and the mode in which, watchmen shall be paid, and of the mode in which their pay, the expenses of their equipment, and other charges connected with the village-watchman-system, shall be provided for, whether out of cesses or funds already leviable or available in the villages comprised in the beat, or by a special tax in money or kind to be imposed on any class of persons residing or owning property in or resorting to such villages, or partly in one of these ways and partly in the other;

(*k*) the collection with or without the aid of the village-headmen, and by any process available for the realization of the land-revenue, of any tax imposed under clause (*j*) of this section, and the application of, and the mode of accounting for, the same;

(*l*) the efficient working of the village-watchman-system generally.

"Provided—

1st, that the rules to be made regarding the appointment of village-watchmen shall allow to the headmen of the villages comprised in the beat to which such a watchman is to be appointed, a power of nomination to be exercised in such manner, and subject to such reasonable conditions, as may be prescribed by such rules;

2ndly, that the rules to be made under clause (*j*) of this section shall include provisions for recording and securing due consideration of the views and opinions of the headmen of such beat on the matters therein referred to.

Obligation to assist watchmen and headmen.

"39 B. Every person is bound to render to a village-watchman or village-headman discharging the duties of a Police-officer under the rules made hereunder, all the assistance which he is bound to render to a Police-officer.

Person obstructing watchman or headman may be arrested without warrant.

"Any person who obstructs such watchman or headman in the discharge of such duties may be arrested without warrant by a Police-officer or by any village-headman or watchman empowered in this behalf by the Local Government.

Power to direct local taxation for payment of Police enrolled under Act V of 1861.

"39 C. Whenever it seems to the Local Government expedient that the duties of watch and ward and other internal Police-service of any town or village not comprised within the limits of a municipality or within the limits of a village-watchman's beat as defined under the power conferred by section 39 A, should be performed by Police-officers enrolled under Act V of 1861, the Local Government may direct that the said service shall be so performed, and may also, with the previous sanction of the Governor General in Council, direct that the charges for the time being fixed by such Government on account of such service shall be defrayed by taxes to be levied in such town or village.

Issue of notice of taxes proposed to be levied.

"39 D. When the Local Government has, under section 39 C, directed that taxes shall be levied in any town or village, the Deputy Commissioner may from time to time issue a public notice in such town or village, explaining the nature of the taxes he proposes to levy.

Objections to taxation.

"Any inhabitant of such town or village objecting to the taxation thus proposed may, within fifteen days from the publication of such notice, send his objection in writing to the Deputy Commissioner.

Procedure thereon.

"After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit for the information of the Local Government a report of the proposal made by him. Such report shall contain specific mention of the objections (if any) urged to his proposal and his opinion on such objections.

"No such tax shall be levied until it has, upon such report, been approved by the Local Government.

Power to fix rates of tax

"39 E. When any such tax has been so approved by the Local Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the Local Government may from time to time prescribe, determine the rates at which it is to be levied.

Power to make rules for collection of taxes.

"39 F. The Local Government may from time to time make rules to provide for the collection of such taxes by any process available for the realization of the land-revenue, and to regulate the application and mode of accounting for the same.

Indemnity-clause.

"39 G. All taxes and collections which have been hitherto levied for the purposes of village and town-police, or for the maintenance of village-watchmen, shall be deemed to have been levied in accordance with law."

Substitution of new section for section 50.

3. Section 50 of the said Panjáb Laws Act is repealed, and in lieu thereof there shall be read the following:—

Power to make rules.

"50. The Local Government may from time to time make rules as to the matters mentioned in sections 43 to 49 inclusive.

"All existing rules upon such matters, which might have been made under this section had it been in force, shall be deemed to have been made hereunder.

Existing rules.

"50 A. No rules hereafter made by the Local Government under any power conferred by this Act shall be valid unless—

Conditions of validity of rules hereafter made under this Act.

(*a*) they are consistent with the laws for the time being in force in the Panjáb;

(*b*) they are published in the official Gazette;

(*c*) previous to such publication they are sanctioned by the Governor General in Council.

"50 B. The Local Government may, in making any rule under any of the powers conferred by this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment on conviction before a Magistrate not exceeding six months' imprisonment, or three hundred rupees fine, or both."

Penalties for breach of such rules.

THE NORTHERN INDIA FERRIES ACT, 1878.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTION.

1. Short title.
   Local extent.
   Commencement.
2. Repeal.
3. Interpretation-clause.

II.—PUBLIC FERRIES.

4. Power to declare, establish, define and discontinue public ferries.
5. Claims for compensation.
6. Superintendence of public ferries.
7. Management may be vested in municipality; and proceeds paid into municipal fund.
8. Letting ferry-tolls by auction.
9. Recovery of arrears from lessee.
10. Power to cancel lease.
11. Surrender of lease.
12. Power to make rules.
13. Private ferry not to ply within two miles of public ferry without sanction.

SECTION.

14. Person using approaches, &c., liable to pay.
15. Tolls.
16. Table of tolls.
List of tolls.
17. Tolls, rents, compensation and fines how disposed of.
18. Compounding for tolls.

III.—PRIVATE FERRIES.

19. Power to make rules.
20. Tolls.

IV.—PENALTIES AND CRIMINAL PROCEDURE.

21. Penalty for breach of provisions as to table of tolls, list of tolls and return of traffic.
22. Penalty for taking unauthorized toll, and for causing delay.
23. Penalty for breach of rules made under sections 12 and 19.
24. Cancelment of lease on default or breach of rules.
25. Penalties on passengers offending.
26. Penalty for plying within public ferry-course without license.
27. Fines payable to lessee.
28. Penalty for rash navigation and stacking of timber.
29. Power to arrest without warrant.
30. Power to try summarily.
31. Magistrate may assess damage done by offender.

V.—MISCELLANEOUS.

32. Power to take possession of boats, &c., on surrender or cancellation of lease.
33. Similar power in cases of emergency.
34. Jurisdiction of civil Courts barred.
35. Delegation of powers.
36. Validation of proceedings since repeal of Regulation VI of 1819 in Panjáb.

ACT No. XVII OF 1878.

Received the Governor General's assent on the 9th of November 1878.

An Act to regulate Ferries in Northern India.

Preamble

WHEREAS it is expedient to regulate ferries in the Panjáb, the North-Western Provinces, Oudh, the Central Provinces, Assam and Ajmer and Merwára; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Northern India Ferries Act, 1878:"

It extends only to the territories respectively administered by the Lieutenant-Governors of the Panjáb and the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer and Merwára: Local extent.

It shall come into force in each of the said territories on such date as the Local Government may, by notification in the official Gazette, fix in this behalf. Commencement.

2. On and from the date on which it comes into force in the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the said Chief Commissioners, Bengal Regulation VI of 1819 shall be repealed therein; but all determinations, declarations, orders and rules made, engagements entered into, and securities taken, under that Regulation, and then in force, shall be deemed to be respectively made, entered into and taken under this Act. Repeal.

3. In this Act the word "ferry" includes also a bridge of boats, pontoons or rafts, a swing-bridge, a flying-bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry. Interpretation-clause.

II.—Public Ferries.

4. The Local Government may from time to time— Power to declare, establish, define and discontinue public ferries.

(*a*) declare what ferries shall be deemed public ferries, and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate;

(*b*) take possession of a private ferry and declare it to be a public ferry;

(*c*) establish new public ferries where, in its opinion, they are needed;

(*d*) define the limits of any public ferry;

(*e*) change the course of any public ferry, and

(*f*) discontinue any public ferry which it deems unnecessary.

Every such declaration, establishment, definition, change or discontinuance shall be made by notification in the official Gazette:

Provided that, when a river lies between two Provinces, the powers conferred by this section shall, in respect of such river, be exercised by the Governor General in Council, by notification in the *Gazette of India*, and not otherwise:

Provided also that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river, such alteration may be made, by an order under his hand, by the Commissioner of the division in which such ferry is situate, or by such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf.

Claims for compensation

5. Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of under section 4, shall be enquired into by the Magistrate of the district in which such ferry is situate, or such officer as he appoints in this behalf, and submitted for the consideration and orders of the Local Government.

Superintendence of public ferries.

6. The immediate superintendence of every public ferry shall, except as provided in section 7, be vested in the Magistrate of the district in which such ferry is situate, or in such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf;

and such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat.

Management may be vested in municipality;

7. The Local Government may direct that any public ferry situate within the limits of a town be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town;

and proceeds paid into municipal fund.

and may further direct that all or any part of the proceeds from such ferry be paid into the municipal fund of such town;

and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.

Letting ferry-tolls by auction.

8. The tolls of any public ferry may, from time to time, be let by public auction for such term not exceeding five years as the Magistrate of the district, subject to the approval of the Commissioner of the division in which such ferry is situate, may deem expedient.

The lessee shall conform to the rules made under this Act for the management and control of such ferry, and may be called upon by the officer conducting the auction to give such security for his good conduct and for the punctual payment of the rent as such officer thinks fit.

Such officer may, for sufficient reason recorded in writing under his hand, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction.

Recovery of arrears from lessee.

9. All arrears due by the lessee of the tolls of a public ferry on account of his lease may be recovered from the lessee or his surety (if any) by the Magistrate of the district in which such ferry is situate as if they were arrears of land-revenue.

Power to cancel lease.

10. The Local Government may cancel the lease of the tolls of any public ferry on the expiration of six months' notice in writing to the lessee of its intention to cancel such lease.

When any lease is cancelled under this section, the Magistrate of the district in which such ferry is situate shall pay to the lessee such compensation

as such Magistrate may, with the previous sanction of the Local Government, award.

11. The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice in writing to the Local Government of his intention to surrender such lease, and on payment to the Magistrate of the district in which such ferry is situate of such compensation as such Magistrate, subject to the approval of the Commissioner, may in each case direct. Surrender of lease.

12. Subject to the control of the Local Government, the Commissioner of a division, or such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, may, from time to time, make rules consistent with this Act— Power to make rules.

(*a*) for the control and the management of all public ferries within such division and for regulating the traffic at such ferries;

(*b*) for regulating the time and manner at and in which, the terms on which, and the person by whom, the tolls of such ferries may be let by auction;

(*c*) for compensating persons who have compounded for tolls payable for the use of any such ferry when such ferry has been discontinued before the expiration of the period compounded for, and

(*d*) generally to carry out the purposes of this Act;

and, when the tolls of a ferry have been let under section 8, such Commissioner or other officer may, from time to time (subject as aforesaid), make additional rules consistent with this Act—

(*e*) for collecting the rents payable for the tolls of such ferries;

(*f*) in cases in which the communication is to be established by means of a bridge of boats, pontoons or rafts, or a swing-bridge, flying-bridge or temporary bridge, for regulating the time and manner at and in which such bridge shall be constructed and maintained and opened for the passage of vessels and rafts through the same, and

(*g*) in cases in which the traffic is conveyed in boats, for regulating (1) the number and kinds of such boats and their dimensions and equipment; (2) the number of the crew to be kept by the lessee for each boat; (3) the maintenance of such boats continually in good condition; (4) the hours during which, and the intervals within which, the lessee shall be bound to ply, and (5) the number of passengers, animals and vehicles, and the bulk and weight of other things, that may be carried in each kind of boat at one trip.

The lessee shall make such returns of traffic as the Commissioner or other officer as aforesaid may from time to time require.

13. No person shall, except with the sanction of the officer charged with the superintendence of a public ferry, keep a ferry-boat for the purpose of Private ferry not to ply within two

miles of public ferry without sanction.

plying for hire to or from any point within a distance of two miles from the limits of such public ferry:

Provided that, in the case of any specified public ferry, the Local Government may, by notification in the official Gazette, reduce or increase the said distance of two miles to such extent as it thinks fit:

Provided also that nothing hereinbefore contained shall prevent persons plying between two places, one of which is without, and one within, the said limits, when the distance between such two places is not less than three miles, or apply to boats which the Local Government expressly exempts from the operation of this section.

Person using approaches, &c., liable to pay.

14. Whoever uses the approach to, or landing-place of, a public ferry is liable to pay the toll payable for crossing such ferry.

Tolls.

15. Tolls, according to such rates as are from time to time fixed by the Local Government, shall be levied on all persons, animals, vehicles and other things crossing any river by a public ferry and not employed or transmitted on the public service:

Provided that the Local Government may, from time to time, declare that any persons, animals, vehicles or other things shall be exempt from payment of such tolls.

Where the tolls of a ferry have been let under section 8, any such declaration, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the Commissioner of the division or such other officer as the Local Government may, from time to time, appoint in this behalf by name or in virtue of his office.

Table of tolls.

16. The lessee or other person authorized to collect the tolls of any public ferry shall affix a table of such tolls, legibly written or printed in the vernacular language, and also, if the Commissioner of the division so directs, in English, in some conspicuous place near the ferry,

List of tolls.

and shall be bound to produce, on demand, a list of the tolls, signed by the Magistrate of the district or such other officer as he appoints in this behalf.

Tolls, rents, compensation and fines how disposed of.

17. Except as provided by section 7, all tolls, rents and compensation received by or on behalf of Government, and all fines levied, under this Act shall be disposed of as follows, that is to say—

(*a*) in the territories administered by the Lieutenant-Governor of the North Western Provinces, the residue of such tolls, rents, compensation and fines, after defraying thereout all charges incurred in carrying out this Act in those territories, shall be credited to the fund constituted for those territories by the North-Western Provinces Local Rates Act, 1878;

(*b*) in the territories administered by the Chief Commissioner of Oudh, the residue as aforesaid shall be credited to the fund constituted for those territories by the Oudh Local Rates Act, 1878;

(*c*) in the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioner of the Central Provinces, such tolls, rents, compensation and fines shall be credited to the Local Government and applied, first, to defraying all charges incurred in carrying out this Act in those territories respectively, and then, at the discretion of the Local Government, to any of the purposes specified in the second clause of section 7 of the Panjáb Local Rates Act, 1878, or the second clause of section 5 of the Central Provinces Additional Rates Act, 1878, as the case may be, and

(*d*) in the territories respectively administered by the Chief Commissioner of Assam and the Chief Commissioner of Ajmer and Merwára, such tolls, rents, compensation and fines shall be credited to the Local Government and applied, first, to defraying all charges incurred in carrying out this Act in those territories respectively, and then to such local works and establishments likely to promote the public health, comfort or convenience as the Local Government, subject to the control of the Governor General in Council, may from time to time direct.

Compounding for tolls.

18. The Local Government may, if it thinks fit, from time to time fix rates at which any person may compound for the tolls payable for the use of a public ferry.

III.—Private Ferries.

Power to make rules.

19. The Commissioner of the division may, with the previous sanction of the Local Government, from time to time make rules for the maintenance of order and for the safety of passengers and property at ferries other than public ferries.

Tolls.

20. The tolls charged at such ferries shall not exceed the highest rates for the time being fixed under section 15 for similar public ferries.

IV.—Penalties and Criminal Procedure.

Penalty for breach of provisions as to table of tolls, list of tolls and return of traffic.

21. Every lessee or other person authorized to collect the tolls of a public ferry, who neglects to affix and keep in good order and repair the table of tolls mentioned in section 16,

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

or who fails to produce on demand the list of the tolls mentioned in section 16,

and every lessee who neglects to furnish any return required under section 12,

shall be punished with fine which may extend to fifty rupees.

Penalty for taking unauthorized toll, and for causing delay.

22. Every such lessee or other person as aforesaid and any person in possession of a private ferry asking or taking more than the lawful toll, or without due cause delaying any person, animal, vehicle or other thing, shall be punished with fine which may extend to one hundred rupees.

Penalty for breach of rules made under sections 12 and 19.

23. Every person breaking any rule made under section 12 or section 19 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Cancelment of lease on default or breach of rules.

24. When any lessee of the tolls of a public ferry makes default in the payment of the rent payable in respect of such tolls, or has been convicted of an offence under section 23, or, having been convicted of an offence under section 21 or section 22, is again convicted of an offence under either of those sections,

the Magistrate of the district may, with the sanction of the Commissioner of the division, cancel the lease of the tolls of such ferry, and make other arrangements for its management during the whole or any part of the term for which the tolls were let.

Penalties on passengers offending.

25. Every person crossing by any public ferry, or using the approach to, or landing-place thereof, who refuses to pay the proper toll, and every person—

who, with intent to avoid payment of such toll, fraudulently or forcibly crosses by any such ferry without paying the toll, or

who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act, or

who, after being warned by any such toll-collector, lessee or assistant not to do so, goes or takes any animals, vehicles or other things into any ferry-boat, or upon any bridge, at such a ferry, which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave, or remove any animals, vehicles or goods from, any such ferry-boat or bridge, on being requested by such toll-collector, lessee or assistant to do so,

shall be punished with fine which may extend to fifty rupees.

Penalty for plying within public ferry-course without license.

26. Whoever conveys for hire any passenger, animal, vehicle or other thing in contravention of the provisions of section 13, shall be punished with fine which may extend to fifty rupees.

27. Where the tolls of any public ferry have been let under the provisions hereinbefore contained, the whole or any portion of any fine realized under section 25 or section 26 may, notwithstanding anything contained in section 17, be, at the discretion of the convicting Magistrate or Bench of Magistrates, paid to the lessee. **Fines payable to lessee.**

28. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public ferry, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and the toll-collector or lessee of the tolls of such ferry or any of his assistants, may seize and detain such vessel, raft or timber pending the enquiry and assessment hereinafter mentioned. **Penalty for rash navigation and stacking of timber.**

29. The Police may arrest without warrant any person committing an offence against section 25 or section 28. **Power to arrest without warrant.**

30. Any Magistrate or Bench of Magistrates having summary jurisdiction under chapter XVIII of the Code of Criminal Procedure may try any offence against this Act in manner provided by that chapter. **Power to try summarily.**

31. Every Magistrate or Bench of Magistrates trying any offence under this Act may enquire into and assess the value of the damage (if any) done or caused by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine, or when the offence is one under section 28, by the sale of the vessel, raft or timber causing the damage, and of any thing found in or upon such vessel or raft. **Magistrate may assess damage done by offender.**

The Commissioner of the division may, on the appeal of any person deeming himself aggrieved by an order under this section, reduce or remit the amount payable under such order.

V.—Miscellaneous.

32. When the lease of the tolls of any ferry is surrendered under section 11 or cancelled under section 24, the Magistrate of the district may take possession of all boats and their equipment, and all other material and appliances, used by the lessee for the purposes of such ferry, and use the same (paying such compensation for the use thereof as the Local Government may in each case direct) until such Magistrate can conveniently procure proper substitutes therefor. **Power to take possession of boats, &c., on surrender or cancellation of lease.**

33. When any boats or their equipment, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the **Similar power in cases of emergency.**

transport of officers or troops of Her Majesty on duty, or of any other persons on the business of Her Majesty, or of any animals, vehicles or baggage belonging to such officers, troops or persons, or of any property of Her Majesty, the Magistrate of the district may take possession of and use the same (paying such compensation for the use thereof as the Local Government may in each case direct) until such transport is completed.

Jurisdiction of civil Courts barred.

34. No suit to ascertain the amount of any compensation payable, or abatement of rent allowable, under this Act shall be cognizable by any civil Court.

Delegation of powers.

35. The Local Government may, from time to time, delegate, under such restrictions as it thinks fit, any of the powers conferred on it by this Act to any Commissioner of a division or Magistrate of a district, or to such other officer as it thinks fit, by name or by virtue of his office.

Validation of proceedings since repeal of Regulation VI of 1819 in Panjáb.

36. All matters determined, orders issued, acts done, penalties imposed and proceedings held in the territories administered by the Lieutenant-Governor of the Panjáb after the repeal of Bengal Regulation VI of 1819 by the Panjáb Laws Act, 1872, section 4, and before this Act comes into force in such territories shall, whenever such determinations, orders, acts, penalties or proceedings would have been lawful if the said Regulation had been in force, be deemed to have been respectively determined, issued, done, imposed and held in accordance with law.

PART III:

REGULATIONS MADE UNDER THE THIRTY-THIRD OF VICTORIA, CHAPTER 3, FOR AJMER AND MERWARA.[a]

REGULATION No. IV OF 1872.

A Regulation for the relief of the embarrassed Taluqdárs, Thákurs, and Jágírdárs of Ajmer.

[*Published in the Gazette of India of 28th of September 1872, p. 894.*]

WHEREAS most of the Taluqdárs, Thákurs and Jágírdárs of the districts of Ajmer are deeply in debt, and their immoveable property is subject to mortgages, charges, liens and other encumbrances; And whereas it is expedient to provide for their relief in manner hereinafter appearing; And whereas a draft of this Regulation has been proposed by the Chief Commissioner of Ajmer to the Governor General in Council, and such draft has been taken into consideration and approved of by the Governor General in Council, and assented to by the Governor General under section 1 of the Statute 33 of Victoria, cap. 3; It is hereby enacted as follows:—

1. In this Regulation "Chief Commissioner" means the Chief Commissioner of Ajmer;

"Commissioner" means the Commissioner of Ajmer, and

"Taluqdár, Thákur or Jágírdár" means a person whose name is entered in the schedule hereto annexed.

2. Whenever, within twelve months after this Regulation has been proclaimed in the district of Ajmer, any Taluqdár, Thákur or Jágírdár,

or (when such Taluqdár, Thákur or Jágírdár is an infant, or of unsound mind, or an idiot) his guardian, committee or other legal curator,

addresses the Commissioner in writing, stating that he is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred to Government, and requesting that the provisions of this Regulation shall be applied to his case, he shall be required to present an application in writing to the Commissioner.

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[a] Extended by Resolution of the Secretary of State for India in Council, dated the 16th March, 1871, to Ajmer and Merwára, *Gazette of India*, 1871, p. 398

3. The application shall contain the following particulars, and the statements therein contained shall be verified by the applicant or some other competent person in manner required by law for the verification of plaints :—

(*a*)—the amount of the applicant's debts and liabilities, with all mortgages, charges, liens and other encumbrances affecting his property, expressed in Government-rupees :

(*b*)—the estimated amount of his annual income expressed in Government-rupees :

(*c*)—the amount of Government-revenue chargeable on his property, including the amount (if any) still remaining due on account of any advances made to him by Government :

(*d*)—the particulars of his debts and liabilities with the interest (if any) due to date :

(*e*)—a declaration that the list of his debts includes all his pecuniary liabilities, personal or otherwise, of which he is aware :

(*f*)—a declaration that he has been made acquainted with the provisions of this Regulation, and is anxious to have his property managed under it, and agrees to abide by the provisions contained herein and in the rules made hereunder.

4. On receiving any such application the Commissioner may, by order published in the local Gazette, declare the immoveable property of the Taluqdár, Thákur or Jágírdár to be under the management of his Court.

5. On such publication all proceedings in respect to such debts or liabilities which may then be pending in any civil Court in British India shall be barred; and all processes, executions and attachments for, or in respect of, such debts or liabilities shall become null and void.

6. So long as such management continues, all civil Courts, except the Court of the Commissioner, shall be precluded from entertaining any application, petition or suit respecting such property :

Provided that nothing herein contained shall prevent the Commissioner referring any such case for investigation and decision by any Court subordinate to him :

And when such application, petition or suit has been referred to such Court, it shall be guided by the rules for the time being in force relating to civil procedure, except that no orders as to the mode of execution of any decree passed in the suit shall be made by such Court :

And when such Court has passed its decision (subject to the ordinary right of appeal in civil cases), such Court or Appellate Court shall certify its final decision to the Commissioner, who shall proceed to pass such order for its execution as shall be just and expedient with reference to other claims admitted against the property.

7. When the property has been declared under rule 4 to be under the management of the Court, notice shall be served on every creditor mentioned in the application to be present in the Commissioner's Court, on a convenient date to be fixed by the Commissioner, and to produce proof of the amount due to such creditor.

8. At the same time a notice shall be published in the local Gazette, calling on all persons having claims on the property, or on the Taluqdár, Thákur or Jágírdár, personally to appear before the Commissioner within three months from the date of the publication and substantiate their claims.

If any such claimant fail so to appear within that period, his claim shall be barred:

Provided that, when proof is made to the Commissioner that the claimant was unable so to appear, the Commissioner may admit such claim within the further period of nine months from the expiration of the said period of three months.

9. All notices under this Regulation shall be published in English, Urdu and Hindí in the local Gazette; and in such other manner as the Commissioner may direct.

10. Every claimant shall with his claim present full particulars thereof.

Every document on which he relies in support of his claim shall also be filed in the Commissioner's Court.

If the document be an entry in any book, the claimant shall produce the book in Court, together with a copy of the entry on which he relies; the book shall be marked by the Commissioner for the purpose of identification; and, after the copy has been examined and compared with the original, the book itself shall be returned.

11. If the debt be acknowledged by the debtor, and there be no reason to believe that any collusion exists between the creditor and the debtor, then the amount of such debt shall be entered in the schedule of debts admitted against the property.

12. If the debt be denied, or the amount be disputed, or collusion, fraud or extortion be suspected, the Commissioner may refuse so to enter the whole debt or such portion thereof as he thinks fit.

13. If the Commissioner see fit, he may refer the suit for the whole debt, or any portion thereof, to any Court subordinate to him for investigation and decision:

Provided that the creditor shall file in the Commissioner's Court a stamp-paper of the value prescribed by the Court-Fees' Act, 1870, for the plaint in a suit for such debt or portion.

14. If the Commissioner does not see fit to refer the case to a subordinate Court, the creditor may appeal against the Commissioner's order refusing to enter his debt, or any portion thereof, to the Chief Commissioner, whose decision thereon shall be final.

15. The Commissioner shall prepare a schedule of such debts and liabilities, and a scheme for the settlement thereof, and shall submit such scheme for the sanction of the Chief Commissioner.

16. When the Chief Commissioner has sanctioned the scheme so submitted, it shall be announced to the creditor and to the Taluqdár, Thákur or Jágírdár concerned, and shall then be carried into effect.

17. Every scheme so sanctioned shall provide

(*a*) for the due maintenance of the Taluqdár, Thákur or Jágírdár, and his family, and

(*b*) for the payment of the Government dues in respect of the property, and for any expenditure that may be deemed necessary for its repairs and improvement:

and shall declare

(*c*) whether any creditors, and, if any, what creditors, have a preferential right on the property, and, if so, what is the nature of such preferential right, and how it is to be exercised:

(*d*) when and how the remaining creditors shall be paid, and

(*e*) what rate of interest, if any, shall be paid on the debts mentioned in the schedule until they are liquidated.

18. If the property or any part thereof be in the possession of a mortgagee, the Commissioner shall have power to cause the same to be delivered to such person as the Commissioner thinks fit, as if a decree therefor had been made in his favour, but without prejudice to the mortgagee preferring his claim under the provisions herein contained.

19. The Commissioner shall have power to raise any money which may be required for the settlement of the debts or liabilities to which the Taluqdár, Thákur or Jágírdár is subject, or with which his immoveable property or any part thereof is charged, either

by mortgage of the whole of the interest of the Taluqdár, Thákur or Jágírdár in such property or any part thereof, or

by letting by way of mortgage the same property or any part thereof for a term not exceeding twenty years from the date of the letting:

Provided that, in the former case, the previous consent of the Chief Commissioner shall have been obtained, and that in the latter case the previous consent of the Taluqdár, Thákur or Jágírdár shall have been obtained.

20. It being desirable to retain the authority and position of the Taluqdár, Thákur or Jágírdár, while arrangements are in force for relieving his property of encumbrances, the Commissioner may, if he thinks fit, appoint the Taluqdár, Thákur or Jágírdár to be manager of his property, subject to the conditions and stipulations contained in the scheme submitted to, and sanctioned by, the Chief Commissioner.

21. So long as such conditions and stipulations are complied with, the Taluqdár, Thákur or Jágírdár shall be left in undisturbed possession of his property.

22. If any such conditions or stipulations be not complied with by the Taluqdár, Thákur or Jágírdár, the Commissioner shall, in the first instance, warn him that the management of the property will be taken out of his hands if he continue to fail in such compliance.

23. If after this further default be made, the Commissioner may, with the previous sanction of the Chief Commissioner, appoint a manager of the property other than the Taluqdár, Thákur or Jágírdár.

24. From the date of such appointment the Taluqdár, Thákur or Jágírdár shall be incompetent to grant valid receipts for the rents and profits of any kind arising or accruing from his property.

25. From such date the manager shall have, for the purpose of realizing and recovering the rents and profits of the property, and for general management, the same powers as the Taluqdár, Thákur and Jágírdár had for such purpose previously to his removal from the management of his property.

26. During the management of his property by the Court, no Taluqdár, Thákur or Jágírdár shall have power to borrow money, or to alienate his property, or any part thereof; nor shall he be bound by any contract made by him during such management, unless it is in writing, and has been entered into with the consent of the Commissioner, and bears the Commissioner's official signature and seal.

27. An account in English and Hindí of all claims admitted and payments made in each case under this Regulation shall be kept in the Commissioner's Court; and the Taluqdár, Thákur or Jágírdár, and also all his creditors and their respective representatives in interest, may at all convenient times inspect such account.

28. Every document filed under this Regulation by a creditor in proof of his claim shall, after the claim has been admitted and entered in the schedule, be defaced or cancelled by writing across it the fact under the official signature and seal of the Commissioner.

29. For the purposes of this Regulation, the Commissioner may enforce the attendance of witnesses, and compel them to give evidence by the same

means and, as far as possible, in the same manner, as is provided in the case of a civil Court by the Code of Civil Procedure.

30. The Commissioner may administer an oath or affirmation in such form as he thinks fit to any person examined before him touching any of the matters to be enquired into under this Regulation.

31. Every investigation conducted by the Commissioner with reference to any claim preferred before him under this Regulation, or to any matter connected with any such claim, shall be deemed a judicial proceeding within the meaning of the Indian Penal Code :

And every statement made by any person examined by or before the Commissioner with reference to such investigation, whether upon oath or otherwise, shall be deemed evidence within the meaning of the same Code.

32. The Chief Commissioner may from time to time make additional rules consistent with this Regulation to provide for all matters connected with its enforcement.

Such rules, when approved by the Governor General in Council and published in the local Gazette, shall have the force of law.

33. Every manager appointed under this Regulation shall be deemed a public servant within the meaning of the Indian Penal Code.

34. No suit or other proceeding shall be maintained against any person in respect of anything done or purporting to be done by him in good faith pursuant to this Regulation.

THE SCHEDULE.

(*See section 1*).

LIST of Taluqdárs, Thákurs and Jágírdárs in the Ajmer District.

No.	Name of individual.	Caste.	Name of village or villages in Taluqa.	REMARKS.
	TALUQDÁRS.			
1	Rájá Mungul Singh	Rájput	Taluqdár, Bhinai.	
2	Chundur Singh	Ditto	Ditto, Surana	Sub-Taluqdár of Bhinai.
3	Chimun Singh	Ditto	Ditto, Sholean.	
4	Chuttur Bhooj	Charun	Ditto, Kotree.	
5	Runjeet Singh	Rájput	Ditto, Bandhunwarrah.	
6	Chundun Singh	Ditto	Ditto, Jaolah.	
7	Bheem Singh	Ditto	Ditto, Jotayan.	
8	Bhopal Singh	Ditto	Ditto, Kullyanpoora.	
9	Kurrun Singh	Ditto	Ditto, Padlia.	
10	Hunwunt Singh	Ditto	Ditto, Ameergurh	Sub-Taluqdár of Bandhunwarrah.
11	Hurree Singh	Ditto	Ditto, Dewulia.	
12	Debee Singh	Ditto	Ditto, Goodha Kullan.	
13	Chuttur Singh	Ditto	Ditto, Nandsee.	
14	Purtab Singh	Ditto	Ditto, Keyrote.	
15	Mungul Singh	Ditto ...	Ditto, Koorthul.	
16	Sheo Singh	Ditto	Ditto, Kanai Kullan.	
17	Debee Singh	Ditto	Ditto, Judana Jeytpoora.	
18	Sawunt Singh	Ditto	Ditto, Kabanea.	
19	Moadh Singh	Ditto	Ditto, Shokla.	
20	Pem Singh	Ditto	Ditto, Urwur.	
21	Bulwunt Singh	Ditto	Ditto, Shoklee.	
22	Zalim Singh	Ditto	Ditto, Roognathgurh.	
23	Bijay Singh	Ditto	Ditto, Reechmaleean.	

THE SCHEDULE—(*continued*).

LIST of Taluqdárs, Thákurs and Jágírdárs in the Ajmer District—(continued).

No.	Name of individual.	Caste.	Name of village or villages in Taluqa.	REMARKS.
	TALUQDÁRS			
24	Moarh Singh	Rájput	Taluqdár, Santolah.	
25	Kurun Singh	Ditto	Ditto, Burlee.	
25A	Sawunt Singh	Ditto	Ditto, Kunai Khoord ...	Sub-Taluqdár of Burlee.
26	* * *	Ditto	Ditto, Goella.	
27	Sheodan Singh	Ditto	Ditto, Nagelao.	
28	Bhaboot Singh	Ditto	Ditto, Tantotee.	
29	Bhowanee Singh	Ditto	Ditto, Baoree.	
30	Madho Singh	Ditto	Ditto. Sawur.	
31	Kishun Singh	Ditto	Ditto, Bassoondnee	Sub-Taluqdár of Sawur.
32	Chuttur Singh	Ditto	Ditto, Chousla	Ditto ditto.
33	Hurnath Singh	Ditto	Ditto, Tankawas	Ditto ditto.
34	Raghodan and Pirbhoodan Charuns...	Charun	Ditto, Bhandawoo Rajpoorah ...	Ditto ditto.
35	Mehtab Singh	Rájput	Ditto, Mehroon Khoord ...	Ditto ditto.
36	Dhounkul Singh	Ditto	Ditto, Deokharee	Ditto ditto.
37	Kurun Singh	Ditto	Ditto, Chand Thullee ..	Ditto ditto.
38	Ram Singh	Ditto	Ditto, Peeplaj.	
39	Bahadoor Singh	Ditto	Ditto, Massooda.	
40	Sadool Singh	Ditto	Ditto, Suthana.	
41	Chuttur Sal	Ditto	Ditto, Lamba.	
42	Dheerut Singh	Ditto	Ditto, Nugur.	
43	Oday Singh	Ditto	Ditto, Sukranee.	
44	Pirthee Singh	Ditto	Ditto, Nundwara.	Sub-Taluqdár of Massooda.
45	Hunote Singh	Ditto	Ditto, Ukrole	Ditto ditto.
46	Purtab Singh	Ditto	Ditto, Keyloo	Ditto ditto.
47	Zorawur Singh	Ditto	Ditto, Shairghur	Ditto ditto.
48	Bheem Singh	Ditto	Ditto, Futtehgurh	Ditto ditto.
49	Futteh Singh	Ditto	Ditto, Kesurpoora	Ditto ditto.

50	Megh Singh	Rájput	Taluqdár, Lalawas	Sub-Taluqdár of Massooda.
51	Dowlut Singh	Ditto	Ditto, Jamola	Ditto ditto.
52	Luchmun Rawul	Jogee	Sheopooree	Ditto ditto.
53	Kullyan Singh	Rájput	Khera	Ditto ditto.
54	Joudhrawul	Jogee	Asun	Ditto ditto.
55	Kullyan Singh	Rájput	Joonea.	
56	Ameer Singh	Ditto	Taluqdár, Mundah	Sub-Taluqdár of Joonea.
57	Buldeo	Charun	Ditto, Lissarea.	
58	Deo Singh	Rájput	Ditto, Deolya Khoord.	
59	Man Singh	Ditto	Ditto, Kuronj.	
60	Mehtab Singh	Ditto	Ditto, Bogla Kalahera.	
61	Kaloo Singh	Ditto	Ditto, Mehroon.	
62	Doorjun Sal	Ditto	Ditto, Kaderah.	
63	Chuttur Sal	Ditto	Ditto, Tiswarrea.	
64	Modh Singh	Ditto	Ditto, Nemode.	
65	Dhounkul Singh	Ditto	Ditto, Sankurya.	
66	Rájá Purtab Singh	Ditto	Ditto, Puisangun.	
67	Sheonath Singh	Ditto	Ditto, Para.	
68	Jowahir Singh	Ditto	Ditto, Kodah.	
69	Nathoo Singh	Ditto	Ditto, Meodah Khoord.	
70	Subheh Singh	Ditto	Ditto, Sudara.	
71	Urjun Singh	Ditto	Ditto, Goolgaon.	
72	Mehpall Singh	Ditto	Ditto, Khawas Sirsiree.	
73	Roog Nath Singh	Ditto	Ditto, Pranhera.	
74	Juswunt Singh	Ditto	Ditto, Khurwa.	
75	Nathoo Singh	Ditto	Ditto, Nasone	Sub-Taluqdár of Khurwa.
76	Ram Singh	Ditto	Ditto, Deogaon Bughera.	
77	Esree Singh	Ditto	Ditto, Sularee.	
78	Luchhmun Singh	Ditto	Ditto, Gobindgurh.	
79	Nahur Singh	Ditto	Ditto, Bagsooree.	
80	Sumruth Singh and Roog Nath Singh	Ditto	Ditto, Boobanea.	
81	Futteh Singh	Ditto	Ditto, Munohurpoor.	
82	Phool Singh and Suman Singh ...	Ditto	Ditto, Kureil	Istimrárdárs.
83	Chuttur Singh	Ditto	Ditto, Richmalean.	
84	Jogee Dass	Ditto	Ditto, Meywarea.	
85	Bishun Singh	Ditto	Ditto, Seethun.	
86	Shumsher Khán	Cheeta	Rajosee	Istimrárdár.
87	Heemta Khán and Shumsher Khán ...	Ditto	Nowsur	Istimrárdárs.

THE SCHEDULE—(*concluded*).

LIST of Taluqdárs, Thákurs and Jágírdárs in the Ajmer District—(concluded).

No.	Name of individual.	Caste	Name of village or villages in Taluqa.	Remarks
		TALUQDÁRS.		
88	Roopa, Meyda, Dulla and Roogha ...	Cheeta	Ajaysur	Istimrárdárs.
89	Roopa, Jodha and Akha ..	Ditto	Khareikree	Ditto.
		JÁGÍRDÁRS		
1	Dewan Gyaluddeen Ali Khán Deewanjee, Sujjada Nusheen	... ...	Hokran Kishunpoora.	
2	Meer Imam Ali ...	... ...	Dilwarra.	
3	Enayat-oollah Shah	.. ...	Doodiana.	
4	Nizam Ali and Surfraz Ali, sons of Irshad Ali	... ..	Jhurwassa.	
5	Meer Hufeez Ali, Mootwullee Durgah Meer Wazeer Ali	... ...	Morajhurree and Buneoree.	
6	Mahomed Hossein and Ameer Ali ...		Morajhurree and Buneoree	
7	Yoosoof Ali and Wazeer Ali ..	.. ...	Nandla.	
8	Nawáb Abdool Kureem Khán ...	Puthán	Deoranthoo, Bohraj, Quazeepoora and Seetowuryan.	
9	Rájá Bulwunt Singh, Bukhtawur Singh and Onar Singh ...	Rájput ...	Gugwana, Oontra and Mugra.	
10	Salug Ram Joshee	Brahman	Mungliawass.	
11	Rájá Deebee Singh, Rajgurh ...	Rájput	Jágírdár Kotheeaj.	
12	Purmanund Dhoodhadharee ...	Byragee ...	Bhugwanpoora and Lalla Khera.	
13	Gokulpooree Gosain	Gosain ...	Chawundea.	
14	Shurf-ood-deen Inaet-ool-lah Shah ..	Sayad	Akhree.	
15	Ashruf Ali, Surfaraz Ali, and Assad Ali	Ditto	Ganahera.	
16	Meer Nizam Ali, Wazeer Ali ...	Ditto	Hathee Khera.	

REGULATION No. VI OF 1874.

A Regulation to provide for the establishment of State Forests in Ajmer and Merwára, and to prevent the indiscriminate felling of trees and removal of jungle in Merwára.

[*Published in the Gazette of India of 26th of December 1874, p. 618*].

WHEREAS, by a Resolution passed by the Secretary of State in Council on the sixteenth day of March 1871, the provisions of the 33rd of Victoria, chapter 3, section 1, were declared applicable to Ajmer and Merwára: Preamble.

And whereas the Chief Commissioner of Ajmer has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same:

And whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*, and will be published in the local Gazette, and will thereupon have the force of law:—

Preliminary.

1. This Regulation may be called "The Ajmer Forest Regulation, 1874." Short title.

2. In this Regulation, unless there be something repugnant in the subject or context— Interpretation-clause.

the expression "villagers" includes the members of the proprietary body of any village, and any other persons or class of persons who may, by a written order of the Commissioner, subject to the control of the Chief Commissioner, be declared entitled to the status of villagers under this Regulation:

the expression "Forest-officer" means any person or persons whom the Chief Commissioner of Ajmer from time to time appoints to exercise the powers and perform the duties hereby conferred and imposed on a Forest-officer;

and the expression "cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

Taking up of Land under this Regulation.

3. Whenever it appears to the Chief Commissioner of Ajmer expedient that any tract of waste or hilly land comprised in the area of any village should be taken up by the Government for the purposes of a State-forest, a Declaration for taking up land.

declaration in the form given in schedule A hereto annexed, or to the like effect, and describing the land by its boundaries, or otherwise with convenient certainty, shall be published in the local Gazette, and a copy of such declaration in Hindí, together with a written explanation in Hindí of the terms as hereinafter laid down on which the land is taken by the Government, shall be delivered to the lambardárs of the village.

Legal effect on such declaration.

4. Such declaration shall be conclusive evidence as to the nature and condition of the land and as to the expediency of taking it up;

and on its publication in the local Gazette the following consequences shall ensue:—

(*a*) the proprietary right to the land shall vest in the Crown, and in lieu of all rights which any person may now have in or to such land, the rights hereinafter in that behalf mentioned shall be reserved to the villagers:

(*b*) the Forest-officer may enter and take possession:

Rights created in favour of villagers.

(*c*) subject to the rules and limitations in the next following section provided, the undermentioned rights over the land may be exercised by the villagers, that is to say—

To cut grass.

(i) a right to enter upon the land to cut grass thereon;

To cut wood.

(ii) a right to enter upon the land to cut such wood as is reasonably necessary for their household requirements and agricultural implements;

To use ways.

(iii) a right to use all such ways of a defined and permanent character over the land as were in use by them at the time the declaration was published and are still adapted for use.

Villager's rights to be exercised under control of Forest-officer.

5. The rights vested in the villagers under section 4 shall be exercised subject to the control of the Forest-officer, who may, from time to time, among other things, and subject to an appeal to the Commissioner of Ajmer—

(*a*) issue written orders, determining the seasons at which grass may be cut, and the mode of cutting it, and prohibiting the cutting of it in any part of the land where such cutting would tend to damage the trees there growing;

(*b*) issue written orders determining the season when, and the place where, wood is to be cut;

(*c*) stop any way across the land, and assign another way instead of it: provided that the new way set out by him be a reasonably convenient substitute for the way so stopped.

6. There shall be distributed among and paid to those who, previous to the taking up of the land, were interested therein, the following proportions of the nett profits (if any) from time to time resulting from the State-forest-operations on the land, after deducting all expenses of management, namely, of profits from operations other than the working of mines and quarries—two-thirds; of profits from the working of mines and quarries—one-half.

The amount of such profits, the times at which they are payable, the persons entitled to participate in them, the shares claimable by such persons, and the mode of distribution, shall be determined by the said Commissioner, subject to the control of the said Chief Commissioner, by a declaration in writing, and such declaration shall be final and conclusive as against all persons concerned.

Forfeiture of part of profits for misconduct.

7. If the members of any village-community, or any other persons entitled to a share of profits under such declaration, have interfered with or obstructed the State-forest-operations, or have not rendered such assistance to the Forest-officer as may be lawfully required of them, the said Chief Commissioner may direct that there shall be withheld from them a sum not exceeding one-half of the profits which would otherwise have accrued to them or to the village-community of which they are members, and such sum shall be withheld accordingly, and shall be credited to the Forest Department.

No fine to be levied for cattle-trespass on unprotected forest.

8. When any land has been taken up for a State-forest under this Regulation, no fine shall be levied in respect of any trespass by cattle thereon until the Forest-officer has efficiently protected that portion in which grazing is prohibited, by fencing, or, with the Commissioner's sanction, demarcated it by conspicuous marks which have been duly notified in the vicinity. But this section shall not apply where cattle have been wilfully caused to trespass by the owner or any person in charge of them.

Power to make rules.

9. The Chief Commissioner of Ajmer may, by a notification in the local Gazette, make rules consistent with this Regulation for the management and protection of State-forests created under the provisions herein contained, and may, by a similar notification, from time to time alter, add to, or rescind such rules. He may, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, of a fine not exceeding, for the first offence, rupees fifty, and for the second or any subsequent offence, rupees one hundred.[a]

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[a] The following Rules have been made under this section, and are published in the *Rájputána Official Gazette*, 19th June, 1875, p. 116:—

I.—The limits of all State-forests shall be indicated by conspicuous boundaries. The pillars shall be erected and maintained by the Forest Department. Village-boundary-pillars falling within the limits of any State-forests shall be maintained as formerly by the villagers.

II.—*Acts prohibited in State forests.*—(1) The following acts are prohibited:—

a. Breaking up waste-land for cultivation without permission of the Forest-officer.
b. Setting fire to grass or negligently permitting fire to extend to a State-forest.
c. Setting fire to brushwood, trees or stumps of trees.
d. Lopping, breaking, or otherwise injuring growing trees or bushes.
e. Removing soil or dead leaves from under trees.
f. Selling standing trees.
g. Cutting young trees under any circumstances.

Relinquishment of Land taken up under this Regulation.

Declaration for relinquishing land.

10. Whenever it appears to the said Chief Commissioner that a tract of land taken up under this Regulation is no longer required for the purposes of a State-forest, a declaration in the form given in schedule B hereto annexed, or to the like effect, and describing the land by its boundaries, or otherwise with convenient certainty, shall be published in the local Gazette, and a copy of

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h. Collecting fallen wood of any kind without permission of the Forest-officer.
i. Collecting gums, resins, honey, wax or other minor forest-produce.
j. Carrying or kindling fire.
k. Carrying any implement to cut wood, except when it is carried in pursuance of a permit to cut wood.
l. Digging or quarrying for stones, lime or kankar without permit.
m. Grazing cattle without permit.
n. Cutting grass otherwise than is provided for in section 5 of the Forest Regulation.

(2) Any person who shall commit a breach of this rule shall be punished, on conviction before a Magistrate, with a fine not exceeding, for the first offence, rupees fifty, and for the second or any subsequent offence rupees one hundred: this punishment is to be in addition to any other consequences that would ensue from such breach.

III.—*Responsibilities of Zamíndárs.*—It shall be the duty of all zamíndárs, whose habitation is not more than three miles from the State-forest to render aid in extinguishing Forest-fires.

IV.—The zamíndárs of any village within three miles of a State-forest are individually and collectively responsible for rendering aid towards preventing or extinguishing fires in a State-forest.

V.—If any person, whose duty it is under rules III and IV to render aid in preventing or extinguishing Forest-fires, refuses or neglects to render reasonable aid on being required to do so by a Forest-officer, the person shall be liable, on conviction before a Magistrate of the first or second class, to fine not exceeding for the first offence rupees fifty, and for the second or any subsequent offence rupees one hundred.

VI.—*Powers of Forest Department.*—Forest-officers not below the rank of jamadár shall have the power to confiscate any wood cutting instruments carried by any person within these forests, unless it is carried in pursuance of a permit to cut wood.

VII.—Any Forest-official may arrest any person found in the act of doing the things prohibited in clauses (*b*), (*c*), (*d*), (*g*), (*i*), (*j*), of rule II.

The person arrested may be made over to the zamíndár of his village, provided that security to the value of rupees one hundred is given for his appearance.

In default of security he should be conducted without delay before the nearest Magistrate.

VIII.—Any Forest-officer not below the rank of a jamadár may arrest any person found in the act of doing any of the things prohibited under rule II—(except under clause (*a*) if the arrest of the offender appears necessary to prevent his evasion of the penalty attached to breach of this rule).

IX.—All articles confiscated shall be made over for disposal to the Deputy Commissioner.

X.—*Cattle-trespass.*—All cattle found straying or unlawfully grazing in any State-forest may be seized by any Forest-official, and when so seized shall be driven forthwith to the nearest pound.

a. When a right of way through the State-forest is maintained, it shall be held to protect from seizure all cattle lawfully driven along the road or tract indicated, even though they stray into the forest, so long as the driver uses reasonable diligence to prevent them from straying, and to drive back such as stray.

XI. *Revenue.*—*a.* The revenue from State-forest shall be divided in proportion to the area of land belonging to each village in the tract, entitled to share under section 6 of the Regulation, and irrespective of where wood or other produce may have been cut or obtained.

b. The Forest Department shall, from time to time, remit the sums due to the zamíndárs to the Deputy Commissioner (through the Commissioner) who shall specify the amount due to each village.

XII. *Rules for grazing in State-forests.*—*a.* The grazing shall be for a defined area and specified period, and under a pass stating the number of cattle admitted to graze.

b. Application shall be made to the Forest-officer by the lambardár or patail of the village requiring grazing one month before the date required, containing a statement of the number of cattle belonging to the village, and the number for which a pass is required. Any cattle found

the same in Hindí shall be delivered to the lambardárs of each village within the area of which any portion of such land was originally included.

11. After publishing such declaration, the Commissioner of Ajmer shall, as soon as conveniently may be, proceed to restore the land so disforested to the communities or persons to whom it belonged before it was afforested, so far as the change of circumstances will permit, and subject to such charges for works of permanent improvement effected by the Government as to the said Commissioner seems proper. Restoration of land disforested.

For this purpose he shall issue an order in writing specifying the communities or persons to whom each portion of the disforested land is to be restored, and their interests therein, and the nature and incidence of the charges thereon. Such order shall be binding and conclusive on all parties concerned.

Restriction of the Right of felling Trees and making Charcoal.

12. The Chief Commissioner of Ajmer may, by a notification in the local Gazette, make rules for the prevention of charcoal-burning and destruction of trees in the vicinity of the State-forests or in other places where these practices may in his opinion be injurious. In issuing such rules due regard will be had to proprietary rights. Chief Commissioner may make rules.

Recovery of Fines.

13. The provisions of sections 63 to 70, both inclusive, of the Indian Penal Code, and of section 307 of the Code of Criminal Procedure, shall apply to all fines imposed under this Regulation, or under the rules made in the exercise of the power given by section 9 of the same. Recovery of fines.

SCHEDULE A.

(*See section 3*).

Form of Declaration for taking up Land.

The waste ($\frac{\text{or}}{\text{and}}$) hilly land below described being required for the purposes of a State-forest, is hereby, under the orders of the Chief Commissioner, taken up for such purpose, and the present declaration is made and published under the Ajmer Forest Regulation, 1874, section 3.

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grazing in excess of those specified in the pass shall be charged at such punitive rate as the Chief Commissioner may, from time to time, fix by notification in the Gazette.

c. The owners of all cultivated land within the boundaries of State-forests shall only be entitled to pass into the forests such cattle as are *bonâ fide* required for ploughing or other agricultural purposes.

Grazing for the animals admitted to the forest shall, as far as possible, be allowed within forest-limits.

XIII. All fines levied under these rules shall be credited to the Forest Department.

SCHEDULE B.

(*See section 10*).

Form of Declaration for relinquishing Land.

The land below described being no longer required for the purposes of a State-forest, is hereby, under the orders of the Chief Commissioner, relinquished, and the present declaration is made and published under the Ajmer Forest Regulation, 1874, section 10.

THE AJMER COURTS' REGULATION, 1877.

CONTENTS.

PREAMBLE.

CHAPTER I.—PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal.
   Saving.
3. Pending civil cases how disposed of.

CHAPTER II.—OF THE ADMINISTRATION OF CIVIL JUSTICE.

A.—General.

4. Ajmer and Merwára a single district.
   Grades of Courts in such district.
5. Appointment of Subordinate Judges and Munsifs.

B.—Of Original Jurisdiction.

6. Court of Commissioner.
7. Court of Subordinate Judge of first class.
8. Court of Subordinate Judge of second class.
9. Court of Munsif.
10. Subordinate Judge of first class may be invested with powers of District Court.
11. Any Subordinate Judge may be invested with powers of Small Cause Court.
12. Act XI of 1865 to apply.
13. Benches of Judges.
    Their powers may be confined to specified classes of cases.

C.—Of Appeals and References.

14. Appeals from Courts of original jurisdiction.
15. When Commissioner and Chief Commissioner may receive second appeal.

SECTIONS.

16. When decision of first Appellate Court to be final.
17. Application to first Appellate Court to refer case.
18. Procedure on such application.
19. Procedure on reference being made.
20. Costs of reference.
21. Any appellate Court may make reference of its own motion.
22. Period of limitation.
23. Which Court deemed highest Court of appeal.
Reference under Act XI of 1865.

D.—Miscellaneous.

24. Control over subordinate Courts.
25. Power to distribute judicial business.
26. Power to withdraw suit and try it, or refer it to other Court.
Delegation of similar power to Subordinate Judge.
27. Pleaders and Mukhtárs.
28. Recognized agents.
29. Mode of recording evidence.
30. Exemption of certain property from sale in execution of decree.
31. Imprisonment in execution of decree.
32. Code of Civil Procedure to apply.
33. Section 21 of Act XI of 1865 amended.

E.—Special Provisions for the Hearing of Suits involving Questions regarding Succession to the Estates of Taluqdárs, Thákurs and Jágírdárs.

34. Suits not heard in Court of lower grade than that of first class Subordinate Judge.
35. Chief Commissioner not bound to refer points to High Court.
36. Commissioner to refer points to Chief Commissioner instead of to High Court.
37. Procedure on reference to Chief Commissioner.

CHAPTER III.—OF THE ADMINISTRATION OF CRIMINAL JUSTICE.

38. Chief Commissioner to discharge functions of High Court.
39. Power to appoint one Magistrate of district for several districts.
40. Powers under section 36 of Criminal Procedure Code.
41. Power to transfer cases from one district to another.
THE SCHEDULE.

REGULATION No. I OF 1877.

A Regulation to consolidate and amend the law relating to the administration of Civil and Criminal Justice in Ajmer and Merwára.

[*Published in the Gazette of India of 5th of May 1877, p. 227, and in the Rájputána Official Gazette of 26th of May 1877, p. 116.*]

WHEREAS it is expedient to consolidate and amend the law relating to the Preamble.

administration of civil and criminal justice in Ajmer and Merwára; It is hereby enacted as follows :—

CHAPTER I.—Preliminary.

Short title.

1. This Regulation may be called "The Ajmer Courts' Regulation, 1877 :"

Local extent.

It extends to all the territories now under the administration of the Chief Commissioner of Ajmer, and to which the provisions of the 33 Vic., cap. 3, section 1, have been applied;

Commencement.

And it shall come into operation on such date as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may by a notification in the *Gazette of India* direct.[a]

Repeal.

2. On and from such date, the Acts and Regulations mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column of the said schedule;

Saving.

but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced, before the said date.

Pending civil cases how disposed of.

3. All suits, appeals, applications and other proceedings of a civil nature pending in any Court in the said territories on the said date shall be disposed of by such of the Courts constituted under this Regulation as the Chief Commissioner may by written order direct:

Provided that no Court in the disposal of any such suit, appeal, application or other proceeding, shall exercise any powers beyond those conferred on it by or under this Regulation, or some other enactment for the time being in force.

CHAPTER II.—Of the Administration of Civil Justice.

A.—General.

Ajmer and Merwára a single district.

4. For the purposes of the administration of civil justice the said territories shall form a single district, and

Grades of Courts in such district.

there shall be five grades of civil Courts in such district (namely),—

1st, the Court of the Chief Commissioner,

2nd, the Court of the Commissioner,

3rd, the Courts of Subordinate Judges of the first class,

4th, the Courts of Subordinate Judges of the second class,

5th, the Courts of Munsifs.

Appointment of Subordinate Judges and Munsifs.

5. The Chief Commissioner, with the previous sanction of the Governor General in Council, may appoint as many persons as he thinks fit either by name or office to be in such district Subordinate Judges of the first or of the second class or Munsifs.[b]

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[a] It came into force on the 1st June, 1877.

[b] See Notification No. 355A of 1877, dated 1st June, 1877, *Rájputána Official Gazette*, 16th June, 1877, p. 134.

B.—Of Original Jurisdiction.

6. The Court of the Commissioner shall be deemed for the purposes of all enactments for the time being in force to be the District Court or principal civil Court of original jurisdiction for such district. Court of Commissioner.

In original suits cognizable under the Code of Civil Procedure the jurisdiction of the Commissioner shall, as regards the amount or value of the subject-matter, be without limit.

7. The jurisdiction of a Subordinate Judge of the first class shall extend to all such suits in which the amount or value of the subject-matter does not exceed ten thousand rupees, or where such Subordinate Judge is invested by the Commissioner with additional powers in this behalf, to all such suits without limit of such amount or value. Court of Subordinate Judge of first class.

8. The jurisdiction of a Subordinate Judge of the second class shall extend to all such suits in which the amount or value of the subject-matter does not exceed five hundred rupees. Court of Subordinate Judge of second class.

9. The jurisdiction of a Munsif shall extend to all such suits when the amount or value of the subject-matter does not exceed one hundred rupees. Court of Munsif.

10. In addition to the jurisdiction specified in section 7, a Subordinate Judge of the first class may exercise such powers conferred by any enactment for the time being in force on a principal civil Court of original jurisdiction as may be delegated to him by the Commissioner. Subordinate Judge of first class may be invested with powers of District Court.

11. The Chief Commissioner may, with the previous sanction of the Governor General in Council, invest any Subordinate Judge with the powers of a Judge of a Court of Small Causes, and may, with like sanction, from time to time determine the local limits within which such powers shall be exercised. Any Subordinate Judge may be invested with powers of Small Cause Court.

A Subordinate Judge invested with the powers of a Judge of a Court of Small Causes under this section may, in addition to such powers, exercise any other civil jurisdiction conferred on him by or under this Regulation, or any other enactment for the time being in force.

12. The Court of a Subordinate Judge exercising the powers of a Judge of a Court of Small Causes, shall be deemed to be a Court of Small Causes constituted under Act XI of 1865, and except as hereinbefore provided, and as provided in sections 23 and 33 of this Regulation, shall be subject to all the provisions of that Act in so far as they may be found applicable. Act XI of 1865 to apply.

13. The Chief Commissioner may, with the previous sanction of the Governor General in Council, direct that any of the powers hereinbefore conferred on any Court of the two lowest grades shall be exercised by any three persons sitting together as a Bench. Benches of Judges.

Their powers may be confined to specified classes of cases.

The Chief Commissioner may direct that any powers conferred under this section shall be exercised only in reference to some specified class of cases.

Where three such persons sit together as a Bench, the decision of the majority of such persons shall be deemed the decision of the Bench.

A Bench vested with the powers of a Court of any grade under this section shall be deemed to be a Court of such grade for all the purposes of this Regulation.

C.—Of Appeals and References.

Appeals from Courts of original jurisdiction.

14. When by any law for the time being in force an appeal is allowed from any decree or order passed or made by a civil Court of original jurisdiction, and no provision applicable to the territories to which this Regulation extends is made by such law for determining the Court to which such appeal shall lie, such appeal shall lie as follows, that is to say—

(*a*) when such decree or order is passed or made by a Munsif or Subordinate Judge of the second class—to a Subordinate Judge of the first class specially empowered by the Chief Commissioner with the previous sanction of the Governor General in Council to hear such appeals;

(*b*) when such decree or order is passed or made by a Subordinate Judge of the first class—to the Commissioner;

(*c*) when such decree or order is passed or made by the Commissioner—to the Chief Commissioner.

When Commissioner and Chief Commissioner may receive second appeal.

15. When the decision of a Subordinate Judge or of the Commissioner passed in appeal, reverses or modifies the decision of the Court of original jurisdiction on a point material to the merits of the case, and is not declared by any law for the time being in force to be final, the Commissioner or Chief Commissioner, as the case may be, may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Courts, a further consideration of the case appears to him to be requisite for the ends of justice.

When decision of first appellate Court to be final.

16. When the Court of first appeal confirms the decision of the Court of original jurisdiction on a matter of fact, such decision shall be final.

Application to first appellate Court to refer case.

17. When the Court of first appeal confirms the decision of the Court of original jurisdiction on a question of law, or usage having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, no further appeal shall lie, but the party aggrieved by such decision may apply to such Court of first appeal to draw up a statement of such question and to submit it,

if such Court of first appeal be that of a Subordinate Judge—to the Commissioner;

if such Court be that of the Commissioner or Chief Commissioner—to the High Court of Judicature for the North-Western Provinces.

Every application under this section shall, for the purposes of the Court Fees Act, 1870, be deemed to be a memorandum of appeal to the Court of the Commissioner or to the High Court, as the case may be.

Procedure on such application.

18. If the Court to which such application is made, after perusing such application and hearing the applicant if he claim to be heard, consider that there is a question of the nature specified in section 17, it shall draw up a statement of the same, and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case and its own opinion on such question, to the Commissioner or to the said High Court, as the case may be.

Procedure on reference being made.

19. The Commissioner or the said High Court, as the case may be, shall with as little delay as possible, proceed to hear the case referred as if it were an appeal instituted in the Court of the said Commissioner or in the said High Court (except that it shall not be necessary for the parties to be present), and shall send a copy of the judgment passed thereon to the Court submitting the point, which shall dispose of the case in conformity therewith.

Costs of reference.

20. The costs, if any, consequent on the reference of the case to the Commissioner or High Court, shall be costs in the appeal out of which the reference arose.

Any appellate Court may make reference of its own motion.

21. When any appellate Court in the trial of a civil appeal entertains a doubt in respect of a question of the nature specified in section 17, such Court may refer such question in manner provided by section 18.

References under this section, when made by a Subordinate Judge, shall be made to the Commissioner, and when made by the Commissioner or Chief Commissioner, to the High Court of Judicature for the North-Western Provinces.

All such references shall be dealt with in manner provided by sections 19 and 20.

Period of limitation.

22. The period of limitation for an appeal under section 14 or section 15 shall run from the date of the decree, order or decision appealed against, and shall be as follows, that is to say—

(*a*) when such appeal lies to a Subordinate Judge, thirty days;

(*b*) when such appeal lies to the Commissioner or Chief Commissioner, sixty days.

The period of limitation for an application under section 17 shall be thirty days, reckoned from the date of the decree or order of the appellate Court.

In other respects the limitation of such appeals and applications shall be governed by the provisions of "The Indian Limitation Act, 1871."

Which Court deemed highest Court of appeal.

23. The Court of the Chief Commissioner shall be deemed for the purposes of all enactments for the time being in force to be the highest civil Court of appeal in the said territories:

Reference under Act XI of 1865.

Provided that references under sections 22 and 32 of Act XI of 1865, shall be made, not to the Chief Commissioner, but to the High Court of Judicature for the North-Western Provinces.

D.—Miscellaneous.

Control over subordinate Courts.

24. The general control over all the Courts of the three lowest grades shall be vested in the Commissioner, subject to the superintendence of the Chief Commissioner.

The general control over the Court of the Commissioner shall be vested in the Chief Commissioner.

Power to distribute judicial business.

25. Subject to the control of the Chief Commissioner, the Commissioner may direct the civil judicial business to be distributed among the Courts of the three lowest grades in such way as he thinks fit: provided that no Court shall exercise any powers beyond those conferred on it by or under this Regulation or some other enactment for the time being in force.

The Commissioner may delegate the power conferred on him by this section, wholly or in part, and subject to any limitations he deems fit, to any Subordinate Judge of the first class.

Power to withdraw suit, and try it, or refer it to other Court.

26. The Chief Commissioner or Commissioner shall have power to withdraw any suit or appeal pending in any Court subject to his control or superintendence, and try such suit or appeal himself, or refer it for trial to any other such Court competent to try the same.

Delegation of similar power to Subordinate Judge.

The Commissioner may empower any Subordinate Judge of the first class to exercise a like power in respect of suits pending in the Court of any other Subordinate Judge or of any Munsif.

Pleaders and Mukhtárs.

27. Notwithstanding anything contained in the Pleaders, Mukhtárs and Revenue Agents Act, 1865, no person shall be admitted or enrolled as a pleader or mukhtár under that Act after the passing of this Regulation.

Recognized agents.

28. In addition to the persons mentioned in section 17 of the Civil Procedure Code, the following shall be deemed to be "recognized agents" for the purposes of the said Code:—

(*a*) A party's relation, partner, servant or friend specially empowered to act and permitted by the Court to act as such agent;

(*b*) A person specially empowered to act as such agent by any of the Istimrárdárs and Jágírdárs whose names are included in the schedule attached to the Ajmer Taluqdárs' Relief Regulation of 1872;

(*c*) A vakíl or other person authorized by any Prince or Chief to act for or represent him,

(*d*) An advocate, vakíl or attorney enrolled on the roll of any High Court established by Letters Patent, when the Court before which the case is pending is of opinion, for reasons to be recorded by it, that it is essential for the proper conduct of such case to permit such advocate, vakíl or attorney to act therein.

Mode of recording evidence.

29. The Chief Commissioner may, with the previous sanction of the Governor General in Council, direct that in any class of suits between landlord and tenant in agricultural villages, the evidence may be taken in the form prescribed by section 172 of Act VIII of 1859, for cases in which an appeal does not lie to a higher tribunal.

Exemption of certain property from sale in execution of decree.

30. The following property is exempted from attachment and sale in execution of decrees of the civil Courts:—

land and wells not being situated within the inhabited limits of a town or village,

dwelling-houses belonging to agriculturists and occupied by their owners,

implements and materials used in husbandry and animals kept for agricultural purposes,

implements of trade or of domestic industry, and the necessary wearing apparel of the debtor and his family.

Where the debtor is an agriculturist, it shall be in the discretion of the Court executing the decree, subject to any restrictions which the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, impose, to exempt from attachment or sale, besides the property hereinbefore mentioned, any agricultural produce which such Court may be satisfied, on such enquiry as it deems fit to make, is intended by such debtor to be used and is required for the subsistence of such debtor and the members of his family dependent on him, or as seed for the land cultivated by him, or as fodder for the animals kept by him for agricultural purposes.

Imprisonment in execution of decree.

31. Notwithstanding anything contained in the Code of Civil Procedure, it shall be in the discretion of any Court to refuse any application of a decree-holder for the imprisonment of his judgment-debtor; but nothing herein contained shall prevent a decree-holder from appealing against an order refusing such an application.

Code of Civil Procedure to apply.

32. Except as otherwise provided in this Regulation or in any other enactment for the time being in force, the provisions of the Code of Civil Procedure, so far as the same may be applicable, shall apply to all suits, appeals and other proceedings in the civil Courts.

Section 21 of Act XI of 1865 amended.

33. The concluding portion of section 21 of Act XI of 1865, beginning with the words "but no such new trial," is repealed, and in lieu thereof there shall be read the following, that is to say—

"the Court may, if it sees fit, require an applicant for a new trial to

deposit with his application in Court the amount for which a decree may have been passed against him, including the costs, if any, of the opposite party."

E.—Special Provisions for the Hearing of Suits involving Questions regarding Succession to the Estates of Taluqdárs, Thákurs and Jágírdárs.

Suits not heard in Court of lower grade than that of first class Subordinate Judge.

34. Notwithstanding anything contained in the foregoing sections of this Regulation, no suit in which any question regarding a right to inherit as heir by birth or adoption, or to succeed by any other title to the estates of any of the Taluqdárs, Thákurs or Jágírdárs entered in the schedule annexed to the Ajmer Taluqdárs' Relief Regulation, 1872, is in issue, shall be heard by any Court of a lower grade than that of a Subordinate Judge of the first class.

Chief Commissioner not bound to refer points to High Court.

35. Notwithstanding anything contained in sections 17 and 18 of this Regulation, the Chief Commissioner shall not on appeal in such suits be bound to make any such reference to the High Court for the North-Western Provinces, as is by the said sections prescribed.

Commissioner to refer points to Chief Commissioner instead of to High Court.

36. References made by the Commissioner of Ajmer on appeal in such suits under sections 18 and 21, shall be made, not to the said High Court as provided by those sections, but to the Court of the Chief Commissioner:

Provided that if, on any reference being made to him under this section, the Chief Commissioner is of opinion that such reference is one which should be disposed of by the said High Court, he may return it to the Commissioner with a view to its being submitted to that Court as provided by the said sections 18 and 21.

Procedure on reference to Chief Commissioner.

37. The Chief Commissioner shall on such a reference being made to him, unless he returns it for submission to the said High Court, proceed to deal with it in the same manner in all respects as the said High Court is required to do by sections 19 and 21, and his ruling or judgment thereon shall have the same effect as a ruling or judgment of the said High Court, and the Commissioner shall dispose of the case in conformity therewith.

The costs (if any) consequent on such reference shall be costs in the appeal out of which it arose.

CHAPTER III.—Of the Administration of Criminal Justice.

Chief Commissioner to discharge functions of High Court.

38. Except in reference to proceedings against European British subjects, or persons jointly charged with European British subjects, the Chief Commissioner shall discharge the functions of a High Court under the Code of Criminal Procedure.

Power to appoint one Magistrate of

39. The Chief Commissioner may at any time appoint one person to be Magistrate of the district in two or more of the districts into which the terri-

tory to which this Regulation extends may be from time to time divided for the purposes of the said Code of Criminal Procedure.

district for several districts.

And any person so appointed may exercise any of his powers as Magistrate of the district for one of such districts within the limits of any other of such districts.

40. The Chief Commissioner may invest the person appointed to be Magistrate of the district for any district, by whatever designation he may be known, with the powers which may be conferred on a Deputy Commissioner under section 36 of that Code.

Powers under section 36 of Criminal Procedure Code.

41. The Commissioner may transfer any criminal case or appeal, or any class of criminal cases or appeals, from a criminal Court in any district to a criminal Court competent to dispose of such case or appeal, or class of cases or appeals, in any other district.

Power to transfer cases from one district to another.

THE SCHEDULE.

(*See section 2*).

Number and year.	Title or short title.	Extent of repeal.
VIII of 1859 ...	An Act for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.	Section 6 and sections 372, 373, 374.
XXIII of 1861 ...	An Act to amend Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*).	Section 23, except the first forty-five words thereof. Section 25 and sections 27 to 34 (both inclusive).
XX of 1865 ...	An Act to amend the law relating to Pleaders and Mukhtárs.	Sections 45 and 46.
Regulation II of 1872 ...	The Ajmer Courts' Regulation, 1872	The whole.
" VI of 1873 ...	A Regulation to make special provision for the hearing of suits involving questions regarding succession to the estates of Taluqdárs, Thákurs and Jágírdárs in Ajmer.	The whole.
" I of 1875 ...	A Regulation to amend the Ajmer Courts' Regulation, 1872.	The whole.

THE AJMER LAND AND REVENUE REGULATION, 1877.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Interpretation-clause.

PART II.

OF CERTAIN INTERESTS IN LAND.

(A).—Of certain Rights of the Government.

3. Rights of Government in regard to mines and quarries.
4. Rights in regard to tanks.
5. Rights in regard to waters.
6. Use of Government pasturage, &c.

B.—Of Co-ownership and Partition.

7. Rights of villagers over common lands of village.
8. Partition of common lands of village.
9. Partition of other lands.
10. Application for partition.
11. Notice to be issued.
12. Objection that the applicant is not entitled to the share claimed.
13. Revenue-officer to be guided by orders of civil Court on objection.
14. Other objections how dealt with.
15. Proceedings of Revenue-officer after objections have been disposed of.
16. Mode of making partition.
17. Order of partition when to be carried out.
18. Notification on completion of work.
    Date of taking effect.
19. Costs of partition.

(C).—Of Istimrárí Estates.

20. "Istimrárí estate" defined.
    "Istimrárdár" defined.
21. Tenants on istimrárí estates.
22. Alienation of istimrárí estates.
23. Succession to estate where there is male issue.
    Rule of primogeniture.
    What adoptions valid.
    Adoption by widow.

SECTIONS.

24. Succession to estate when there is no male issue.
25. Claims for maintenance against Istimrárdár.
26. Expropriation in istimrárí estates.
Collector's valuation final.
Such valuation how made—
when the land is cultivated;
when it is uncultivated;
when there are trees, buildings or works.
Valuation may be made in absence of parties.
Vesting of land in Government.
Payment of compensation.
Certain sections of Act X of 1870 inapplicable.
Remainder of Act to apply.
27. Privileges of Istimrárdárs in criminal proceedings.
28. In civil and revenue-proceedings.
29. Decrees for money—
not to be executed after death of Istimrárdár
or passed against his representative.
30. Estates for which istimrárí sanads are granted after the passing of this Regulation.

(*D*).—*Of Bhúm.*

31. "Bhúm."
32. Proprietary right in Bhúm.
33. Succession to Bhúm where there is male issue.
34. Succession to Bhúm where there is no male issue.
35. Claims for maintenance against Bhúmia.
36. Restrictions on alienation and charging.

(*E*).—*Of Holdings wholly or partially exempt from Assessment and of Revenue-assignments generally.*

37. No exemption or assignment except under sanad.
38. Power to grant or recognize exemptions and assignments.
39. Questions whether right to exemption or assignment has determined.
40. Conditions regarding alienation, charging, succession and maintenance.

(F.).—Of Ex-proprietary Tenants, and other Tenants with Rights of Occupancy.

41. Ex-proprietary tenants.
42. Applications to fix rent.
43. Procedure thereon.
44. Grounds of enhancement during term for which rent is fixed.
45. Grounds of abatement during same.
46. Enhancement and abatement-orders when to take effect.
47. Changes from money to kind rents, and *vice versâ*.

(G).—Provisions for the Division of Crops and the estimating of Produce between Landlord and Tenant.

48. Power to divide crop.
49. Remedy for error in division.
50. Power to estimate standing crop.
51. Remedy when estimate is made in bad faith.

(II).—Of ejecting Tenants.

SECTIONS.
52. Certain tenants to be ejected only in execution of decree.
53. Mode of ejecting other tenants.
54. Ejectment in execution of a decree for arrears.
55. Compensation claimable by tenant ejected.

(I).—*Of Relinquishment by a Tenant.*

56. When tenant-at-will may relinquish.

PART III.

OF LAND-REVENUE SETTLEMENTS.

(A).—Of the Assessment of the Land-revenue.

57. Offer of settlement of estate owned by one person.
58. Estate owned by several persons.
59. Term for which settlement is to be made.
60. Declaration of terms to person to be offered settlement.
61. Effect of acceptance of offer.
Sanction of Governor General in Council requisite to bind Government.
62. Exclusion of proprietors refusing to accept offer.
63. Allowance to persons excluded.
64. Joint and several liability.
"Perfect partition" when allowed.

(B).—Of the Settlement-record.

65. Settlement-record.
66. Entries in such record how made.
67. Proceedings to contest entry.
68. Entries presumed to be true.
69. Record to be delivered to Collector, and kept up by him.
70. Rules regarding maintenance of record.

(C).—Miscellaneous.

71. Continuance of assessment,
of record-of-rights.
72. Application of sections 64, 67 to 71.

PART IV.

OF THE COLLECTION OF THE LAND-REVENUE.

(A).—Time and Place for Payment of Revenue.

73. Rules as to instalments and times and places of payment.
74. "Arrear," "Defaulter."

SECTIONS.

(*B*).—*Arrest and Imprisonment of Defaulter.*

75. Issue of warrant of arrest.
76. Order to bring defaulter to the district head-quarters.
77. Delegation to subordinate Revenue-officer of powers under sections 75 and 76.
78. Commitment to civil jail.
79. Discharge of defaulter on enforcement of process under section 82, 87 or 93.

(*C*).—*Attachment and Sale of moveable Property.*

80. Attachment and sale of moveable property.
81. Procedure to be followed.

(*D*).—*Attachment of the Estate without Cancellation of the Settlement, Leases, &c.*

82. Power to attach land.
83. Effect of attachment.
84. Profits of land how applied.
85. Attachment when to cease.

(*E*).—*Transfer to a solvent Málguzár or Incumbrancer.*

86. Application for transfer.
87. When it may be granted.
88. Case of several applications.
89. Conditions of transfer—
    for a term;
    till the arrear is re-paid.
90. Application to have a transfer under section 89, clause (*b*), made absolute.
    Proceedings thereon.
91. Joint and several liability not affected by transfer.

(*F*).—*Sequestration of the Estate with Cancellation of Settlement, Leases, &c.*

92. Notification preliminary to sequestration.
93. Order of sequestration.
94. Effect of such order.
95. Expiry of period of sequestration.

(*G*).—*Miscellaneous.*

96. Recovery of arrears by attachment of immoveable property other than the estate.
97. Recovery of—
    (*a*) land-revenue due;
    (*b*) rent on Government-land, &c.;
    (*c*) other moneys.

(*H*).—*Recovery of Revenue through Headmen.*

98. Other Málguzárs to pay to headmen.
99. Distraint abolished.
100. Joinder of defendants in suits for arrears.

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PART V.

Of Courts of Wards.

101. Functions of Court of Wards by whom discharged.
102. What property may be taken charge of.
103. Power to enquire into minority, &c., and declare persons subject to Court.
104. Appeal from order under section 103.
105. Part IV to apply to arrears of rent payable to Court of Wards.

PART VI.

Miscellaneous.

106. Erection and repair of boundary-marks.
107. Additional powers which may be conferred on Revenue-officers.
108. Functions of Collector how discharged.
109. Chief Commissioner's power of revision.
110. Additional power to make rules.
111. Power to prescribe a penalty for breaches of rules.
112. Rules how to be published.
Force of rules.
113. Consolidation and republication of rules.
114. First appeals.
115. Second appeals.
116. Limitation of appeals.
117. Order in first appeal, when confirming original decision, final.
118. No certificates for Revenue-agents to be granted.
119. Proceedings under Regulation not to be impeached.
Limitation of jurisdiction of civil Courts.

REGULATION No. II of 1877.

A Regulation to declare and amend the law relating to certain interests in land and to the assessment and collection of land-revenue in Ajmer and Merwára.

[*Published in the Gazette of India of 3rd of November, 1877, p. 623, and in the Rájputána Official Gazette of 2nd of February, 1878.*]

Preamble. Whereas it is expedient to declare and amend the law relating to certain interests in land and to the assessment and collection of land-revenue in Ajmer and Merwára; It is hereby enacted as follows:—

PART I.

Preliminary.

Short title. 1. This Regulation may be called "The Ajmer Land and Revenue Regulation, 1877:"

It extends to all the territories now under the administration of the Chief Commissioner of Ajmer and subject to the provisions of the 33 Vic., cap. 3, section 1; **Local extent.**

And it shall come into operation on such date as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the *Gazette of India*, direct.[a] **Commencement.**

2. In this Regulation, unless there is something repugnant in the subject or context— **Interpretation-clause.**

(*a*) "agricultural year" means the year beginning on the first of June: **"Agricultural year."**

(*b*) "Collector" means any officer appointed by the Chief Commissioner to discharge the functions of a Collector under this Regulation in any part of the said territories, and includes a Collector when discharging the functions of a Court of Wards under this Regulation: **"Collector."**

(*c*) "Revenue-officer" includes— **"Revenue-officer."**

(1) the Commissioner of Ajmer when acting under this Regulation or under any rule made under this Regulation;

(2) a Collector, and

(3) any person whom the Chief Commissioner, subject to the control of the Governor General in Council, may from time to time appoint by name or by office to do anything required by this Regulation to be done by a Revenue-officer, or anything to be done by a Government-officer under this Regulation or under any rule made under this Regulation, and for the doing of which no agency is specially provided by this Regulation:

(*d*) "Málguzár" means a person liable under section 64 for the payment of the revenue assessed upon an estate: **"Málguzár."**

(*e*) "section" means a section of this Regulation. **"Section."**

PART II.

Of certain Interests in Land.

(*A*).—*Of certain Rights of the Government.*

3. Except in the case of lands in respect of which istimrárí sanads have been granted by the Chief Commissioner with the previous sanction of the Governor General in Council, the Government shall be presumed, until the contrary is proved,— **Rights of Government in regard to mines and quarries.**

(*a*) to be the sole owner of all mines, opened and unopened, of metal, coal and other valuable minerals, with full liberty to search for and work the same;

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[a] 1st January, 1878.

(*b*) to be entitled to take free, or authorize persons who have entered into any contract with it to take free, from any quarry, whether previously worked or not, as much stone, kankar, gravel, sand or other like substance as is needed for any public purpose:

Provided that, whenever, in the exercise by the Government of the rights herein referred to over any land, damage is caused to any person whose rights are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such person such amount of compensation for the damage so caused, as may be determined by the Revenue-officer:

Provided also, that nothing herein contained shall affect the concession made in respect of mines and quarries in State-forests by section 6 of "The Ajmer Forest Regulation, 1874."

Rights in regard to tanks.

4. The soil of all tanks constructed by the Government, including the embankments of the same, shall be deemed to be the property of Government.

Rights in regard to waters.

5. The Government shall be presumed, until the contrary is proved, to be entitled to the exclusive use and control of the water of all rivers and streams flowing in natural channels, and of all natural collections of water, and of all tanks constructed by the Government.

Use of Government pasturage, &c.

6. No person shall make use of the pasturage or other natural product of any land being the property of the Government, except with the permission of the Revenue-officer and subject to such rules as may from time to time be prescribed by the Chief Commissioner.

(*B*).—*Of Co-ownership and Partition.*

Rights of villagers over common lands of village.

7. Any one of the proprietary body of any village who, with the consent of a majority of such body, permanently improves any common land in such village by sinking a well, constructing an embankment, planting, draining or otherwise, shall become the owner of such land.

Unimproved common land shall be deemed to be held on a tenure-at-will from the proprietary body, unless there is a written agreement to the contrary between such body and the holder.

Partition of common lands of village.

8. Any person recorded as a sharer in the common lands of a village may apply for partition of such lands. Every application under this section shall be presented and dealt with in the manner provided by sections 10 to 19, inclusive.

Partition of other lands.

9. Any person recorded as a sharer in land, not being common land of a village, may apply for a partition of such land in the manner hereinafter prescribed, provided that the area of land in each share, after such partition, shall not be less than ten bighás of well-land; fifteen bighás of tálábí or ábí land, or thirty bighás of unirrigated land, or a proportion of such classes of land equivalent to ten bighás of well-land.

10. Every application under section 9 shall be in writing, shall be presented to the Revenue-officer, and shall specify the area of the land, the applicant's share and the names of the other sharers.

Application or partition.

11. The Revenue-officer shall cause notice of such application to be served on the sharers named therein and published in the village in which the land is situated.

Notice to be issued.

12. If within one month from the date of the publication of any notice under section 11, any objection is made to the partition to which it relates, on the ground that the applicant is not entitled to the share of the land of which he is recorded as owner, the Revenue-officer shall stay his proceedings for such time as, in his opinion, is sufficient to admit of a suit being instituted in the civil Court to try such objection.

Objection that applicant is not entitled to share claimed.

Every Revenue-officer staying his proceedings under this section shall make an order requiring the objector or, if for any reason he deems it more equitable, the applicant, to institute such a suit within the time fixed, and in the event of such a suit not being instituted within the said time, may in his discretion disallow the objection or dismiss the application, as the case may be.

13. On a suit being instituted to try any objection under section 12, the Revenue-officer shall, with reference to such objection, be guided by the orders passed by the Court in such suit.

Revenue-officer guided by orders of civil Court on objection.

14. If within the period of one month as aforesaid any objection other than an objection of the nature referred to in section 12 is made to the partition, the Revenue-officer shall dispose of it himself; unless for any reason he thinks fit to require that it be submitted to a civil Court for adjudication, in which event the provisions of sections 12 and 13 shall apply to such objection.

Other objections how dealt with.

15. When the period of one month from the date of the publication of the notice issued under section 11 has expired, and the objections (if any) made have been disposed of by the Revenue-officer, or by the civil Court, as the case may be, the Revenue-officer shall, if no such objection has been allowed, proceed to make the partition:

Proceedings of Revenue-officer after objections have been disposed of.

Provided that the Revenue-officer may in his discretion, in order to admit of the institution of an appeal from any decision regarding an objection, or for any other reason he deems sufficient, from time to time further postpone his proceedings.

16. Every Revenue-officer proceeding to make a partition shall pass an order determining the mode in which such partition is to be made.

Mode of making partition.

A partition may, in the discretion of the Revenue-officer, be made in any one of the following modes, that is to say—

(*a*) by the sharers themselves if they agree so to make it;

(*b*) by arbitrators chosen by the sharers if they consent to choose arbitrators;

(*c*) by the Revenue-officer and his subordinates;

(*d*) by arbitrators appointed by the Revenue-officer.

Order of partition when carried out

17. The execution of any order passed under section 16 shall be deferred for fifteen days to admit of an appeal being preferred against such order.

At the expiration of the period of fifteen days, if no such appeal has been preferred, or, if such an appeal has been preferred, on its determination, the partition may be carried out.

Nothing herein contained shall affect any right to appeal hereinafter conferred.

Notification on completion of work.

18. On the completion of the partition, the Revenue-officer shall publish a notification of the fact at his office and in the village in which the land partitioned is situate.

Date of taking effect.

The partition shall take effect from such date as may be fixed by such notification.

Costs of partition.

19. The cost of making the surveys requisite for and preparing the records of a partition of any land shall be determined by the Revenue-officer, and recovered from the sharers in such land in such proportions as he may direct.

(*C*).—*Of Istimrárí Estates.*

"Istimrárí estate" defined.

20. "Istimrárí estate" means an estate in respect of which an istimrárí sanad has been granted, before the passing of this Regulation, by the Chief Commissioner with the previous sanction of the Governor General in Council.

"Istimrárdár" defined.

"Istimrárdár" means the person to whom such sanad has been granted, or any other person who becomes entitled to the istimrárí estate in succession to him as hereinafter provided.

Tenants on istimrárí estates.

21. All tenants of any land, whether culturable or not, comprised in an istimrárí estate, shall be presumed, until the contrary is proved, to be tenants-at-will.

Alienation of istimrárí estates.

22. No Istimrárdár shall—

(*a*) permanently alienate his istimrárí estate or any portion thereof by sale, gift or otherwise, except under the law for the time being in force relative to the acquisition of land for public purposes; or

(*b*) alienate or charge such estate or any portion thereof by lease, mortgage or otherwise, for any term extending beyond his own life except by way of giving security for an advance under the Land Improvement Act, 1871, or other law for the time being in force relative to advances of money by Government for the improvement of land.

Any alienation made or charge created in contravention of the prohibition herein contained, shall be void.

23. When an Istimrárdár dies leaving sons, or male issue descended from him through males only, whether by birth or adoption, or when after the death of an Istimrárdár his widow has power to adopt and adopts a son to him, the istimrárí estate shall devolve as nearly as may be according to the custom of the family of the deceased: **Succession to estate where there is male issue.**

Provided—

1st—that the descent shall in all cases be to a single heir according to the rule of primogeniture; **Rule of primogeniture.**

2nd—that no adoption shall be deemed valid unless it is made by a written document deposited with the Collector or the Registrar of the district; **What adoptions valid.**

3rd—that no adoption made by a widow shall be deemed valid until confirmed by the Governor General in Council. **Adoption by widow.**

24. Any question as to the right to succeed to an istimrárí estate arising in a case not provided for by section 23 shall be decided by the Governor General in Council, or by such officer as he may appoint in this behalf: **Succession to estate when there is no male issue.**

Provided that the Governor General in Council, if he thinks fit, instead of deciding such question himself or appointing any officer to decide the same, may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a civil Court.

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may, upon the production of such certificate before it, entertain such suit.

25. All claims for maintenance or to hold land in lieu of maintenance against an Istimrárdár by any member of his family, shall be preferred through the Commissioner to the Chief Commissioner, whose decision thereon shall be conclusive. **Claims for maintenance against Istimrárdár.**

26. When land situate in an istimrárí estate is to be acquired under the Land Acquisition Act, 1870, for the purpose of constructing a railway, or for any other object which in the opinion of the Chief Commissioner may reasonably be expected to improve the value of such estate,— **Expropriation in istimrárí estates.**

1st, the determination of the Collector under section 11 of that Act, as to the amount of compensation to be allowed for such land, shall be final and conclusive: **Collector's valuation final.**

2nd, in arriving at such determination the Collector, instead of taking into consideration the market-value of such land as required by sections 13 and 24 of that Act, shall fix the value of such land in manner following, that is to say— **Such valuation how made.**

(*a*) when such land is cultivated, he shall ascertain the amount of revenue which would be assessed on such land if it were being fully assessed to land- **When land is cultivated;**

revenue under the law for the time being in force, and shall allow twenty times the amount so ascertained, and when such land is uncultivated, he shall, notwithstanding the existence of any custom by which such land would be given free of charge, ascertain the amount of revenue which would be assessed on such land if it were cultivated, and were being fully assessed as aforesaid, and shall allow three times the amount so ascertained;

when it is uncultivated;

(*b*) he shall allow, besides the amount allowed under clause (*a*), such further amount in respect of any trees and of any wells, tanks, embankments, houses and other works and buildings on such land as under all the circumstances of the case he may deem fair and reasonable:

when there are trees, buildings or works.

3rd.—He may determine the amount of such compensation notwithstanding that no person interested in such land has appeared before him in pursuance of the notice issued by him under section 9 of the said Act:

Valuation may be made in absence of parties.

4th.—When he has determined the amount of such compensation, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances:

Vesting of land in Government.

5th.—On determining the amount of compensation, he may pay that amount to the persons whom he deems entitled thereto; but nothing herein contained shall affect the liability of any person who may receive the whole or any part of such compensation to pay the same to the person lawfully entitled thereto:

Payment of compensation.

6th.—Sections 14 to 16 (both inclusive), sections 18 to 23 (both inclusive), and sections 26 to 42 (both inclusive) of the said Land Acquisition Act, 1870, shall not apply to the cases herein referred to:

Certain sections of Act X of 1870 inapplicable.

7th.—Except as hereinbefore provided, the provisions of that Act, so far as they may be applicable consistently with the provisions hereinbefore contained, shall apply to such cases.

Remainder of Act to apply.

27. No criminal proceeding against any Istimrárdár shall be instituted except in the Court of the Magistrate of the district, or in that of the Sessions Judge;

Privileges of Istimrárdárs in criminal proceedings.

and no such proceeding shall be instituted in either of the said Courts without the previous sanction of the Chief Commissioner:

Provided that a Magistrate of the district or the Sessions Judge may allow any such proceeding to be instituted in his Court without such sanction when he thinks, for reasons to be recorded by him in writing, that the immediate institution of such proceeding is necessary to prevent a failure of justice.

The Chief Commissioner may quash any proceeding the institution of which has been so allowed without his sanction.

28. No Istimrárdár shall be arrested in execution of any process of any civil or revenue Court, except with the previous sanction of the Chief Commissioner.

In civil and revenue proceedings.

29. Notwithstanding anything contained in section 203, section 210 or section 211 of the Code of Civil Procedure or in any other enactment in force at the time this Regulation is passed,— Decrees for money.

no decree for money against an Istimrárdár shall be executed after his death, and no decree for money shall be passed against any person as the representative of a deceased Istimrárdár: provided that nothing herein contained shall prevent the enforcement of a lien or other charge against any property not being part of an istimrárí estate. not executed after death of Istimradár, or passed against representative.

30. The Chief Commissioner may, with the previous sanction of the Governor General in Council, direct that all or any of the provisions of sections 22 to 29 (both inclusive) shall apply in the case of any estate in respect of which an istimrárí sanad may be granted by such Chief Commissioner with the sanction of the Governor General in Council after the passing of this Regulation. Estates for which istimrárí sanads granted after passing of Regulation.

(*D*).—*Of Bhúm.*

31. "Bhúm" means land in respect of which a Bhúm sanad may have been granted, whether before or after the passing of this Regulation, by the Commissioner with the sanction of the Governor General in Council. "Bhúm."

32. No person shall be deemed to have any proprietary right in such land except the persons named in such sanad and their successors in interest thereunder. Proprietary right in Bhúm.

33. When a Bhúmíá dies leaving sons, or male issue descended from him through males only, whether by birth or adoption, or when after the death of a Bhúmíá his widow has power to adopt and adopts a son to him, the Bhúm shall devolve according to the custom of the family. Succession to Bhúm where there is male issue.

34. Any question as to the right to succeed to Bhúm arising in a case not provided for by section 33 shall be decided by the Governor General in Council, or by such officer as he may appoint in this behalf: Succession to Bhúm when there is no male issue.

Provided that the Governor General in Council, if he thinks fit, instead of deciding such question himself or appointing any officer to decide the same, may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a civil Court.

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may, upon the production of such certificate before it, entertain such suit.

35. All claims for maintenance or to hold land in lieu of maintenance against a Bhúmíá by any member of his family shall be preferred through the Commissioner to the Chief Commissioner, whose decision shall be conclusive. Claims for maintenance against Bhúmíá.

Restrictions on alienation and charging.

36. Except under the law for the time being in force relative to the acquisition of land for public purposes, no person holding under a Bhúm sanad shall alienate or charge the Bhúm or his share thereof by sale, gift, lease, mortgage or otherwise to or in favour of any person not being a co-sharer holding under the same sanad.

Any alienation made or charge created in contravention of the prohibition herein contained shall be void.

(*E*).—*Of Holdings wholly or partially exempt from Assessment and of Revenue-assignments generally.*

No exemption or assignment except under sanad.

37. No person shall be deemed entitled to any exemption, total or partial, from the land-revenue-assessment, or to any assignment of land-revenue, except under a sanad granting or recognizing such exemption or assignment issued by or under the authority of the Chief Commissioner as hereinafter provided.

Power to grant or recognize exemptions and assignments

38. It shall be in the discretion of the Chief Commissioner, subject to such limitations as may be prescribed by the Governor General in Council, to grant or recognize, either absolutely or subject to conditions, any such exemptions or assignments.

Questions whether right to exemption or assignment has determined.

39. If any question arises as to whether any event on which any such exemption or assignment is determinable has occurred, or as to whether any condition subject to which such exemption or assignment may have been granted or recognized has been fulfilled, the decision of the Chief Commissioner thereon shall, subject only to an appeal to the Governor General in Council, be conclusive.

Conditions regarding alienation, charging, succession and maintenance.

40. If in granting or recognizing any exemption from the land-revenue-assessment in favour of the owner of any land, the Chief Commissioner, with the previous sanction of the Governor General in Council, makes it a condition of his grant or recognition, that all or any of the rules regarding alienation, charging, succession or maintenance prescribed for istimrárí estates by sections 22 to 25 inclusive, and for Bhúm by sections 34 to 36 inclusive, or any other special rules regarding alienation, charging, succession or maintenance, shall apply to such land,

and the then owner of such land accepts the grant or recognition on such condition,

such rules shall thenceforward apply to such land.

(*F*).—*Of Ex-proprietary Tenants and other Tenants with Rights of Occupancy.*

Ex-proprietary tenants.

41. Any person who may have, whether before or after the passing of this Regulation, lost or parted with his proprietary rights in any holding, either temporarily or permanently, and has since continued in occupation of any of

the lands comprised in such holding which, as proprietor, he retained under his own cultivation, shall have a right of occupancy in such lands at a rent five annas four pies in the rupee less than the prevailing rate payable by tenants-at-will for lands of similar quality and with similar advantages in the neighbourhood.

Such persons are hereinafter called "ex-proprietary tenants."

Any agreement executed, whether before or after the passing of this Regulation, by an ex-proprietary tenant to pay a higher rate of rent than that prescribed by this section, shall be void.

Applications to fix rent.

42. When the rent of an ex-proprietary or other occupancy-tenant of any land has not been fixed at settlement, or when the rent was then fixed but the term for which it was then fixed has expired, such tenant or his landlord may apply to the Revenue-officer to fix the rent of such land.

Procedure thereon.

43. On receiving such application, the Revenue-officer shall ascertain the productive powers of such land, and proceed to determine the rent payable by such tenant—

(*a*) where such tenant is not an ex-proprietary tenant—at the prevailing rate paid by similar tenants for land of a similar quality with similar advantages, in the neighbourhood;

(*b*) where such tenant is an ex-proprietary tenant—at the rate payable by such tenant under the provisions of section 41.

Grounds of enhancement during term for which rent fixed.

44. When the rent of any occupancy-tenant has been fixed at settlement or under section 43, the landlord may, during the term for which it has been so fixed, apply to the Revenue-officer to enhance the rent of such tenant on any of the following grounds, and on no other :—

(*a*) that the quantity of land held by such tenant has been increased by alluvion or has been proved by measurement to be greater than the quantity for which rent has been previously paid by him;

(*b*) that the value of the produce of such land has risen, or the productive powers of such land have been increased, otherwise than by the agency or at the expense of the tenant.

Grounds of abatement during same.

45. Any occupancy-tenant whose rent has been fixed as aforesaid may, during the term for which it has been so fixed, apply to the Revenue-officer for an abatement of his rent on any of the following grounds, and on no other :—

(*a*) that the area of the land held by him has been diminished by diluvion, or has been proved by measurement to be less than the quantity for which rent has been previously paid by him;

(*b*) that the value of the produce of such land has fallen, or the productive powers of such land have been decreased, by any cause beyond his control.

Enhancement and abatement-orders when to take effect.

46. Every order for enhancement or abatement of rent made under section 44 or section 45, shall take effect from the commencement of the agricultural year next following the date of such order.

Changes from money to kind rents, and *vice versâ.*

47. No change of the method of paying rent from money to kind, or from kind to money, shall be ordered without the consent of both the landlord and the tenant:

Provided that the Collector may, where a dispute arises between an ex-proprietary tenant and his landlord, commute rent payable by such tenant in kind to rent in money.

(*G*).—*Provisions for the Division of Crops and the estimating of Produce between Landlord and Tenant.*

Power to divide crop.

48. When the rent of any land is payable by division of a crop grown on such land, the Revenue-officer may, on an application being made either by the landlord or by the tenant when such crop is ripe, proceed to such land on a day of which notice shall be given to both parties, and cause such crop to be cut or gathered and divided in accordance with the shares to which, upon such enquiry as he deems fit to make, it appears to him the parties are respectively entitled.

Remedy for error in division.

49. If owing to an error of such Revenue-officer either party in such division receives less than the share to which he is entitled, such party may, within three months from the date on which such division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him, at the price which prevailed on such date.

If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed to have been rightly made.

Power to estimate standing crop.

50. When the rent of any land is to be determined by an estimate of a crop standing on such land, the Revenue-officer may, on an application being made either by the landlord or by the tenant when such crop is ripe, proceed to such land on a day of which notice shall be given to both parties, and determine the yield of such crop in manner following, that is to say—

(*a*) each of the parties shall appoint an arbitrator and the Revenue-officer shall appoint a third arbitrator;

(*b*) if either party fails to attend or appoint an arbitrator, the Revenue-officer may appoint an arbitrator for him;

(*c*) the arbitrators thus appointed shall inspect the crop, and if any two of them agree in their estimate thereof, the Revenue-officer shall declare the rent to be payable in accordance with such estimate;

(*d*) if no two of the arbitrators agree in their estimate the Revenue-officer shall, after inspecting the crop, make his own estimate thereof, and declare the rent to be payable in accordance therewith.

51. Either party may, within three months from the date on which a declaration is made under section 50, institute a suit against the other party to set aside such declaration on the ground that the estimate on which it is based was made in bad faith, and on no other ground.

Remedy when estimate made in bad faith.

If no such suit is instituted within the period thus limited, such declaration shall be for all purposes final and conclusive.

(*H*).—*Of ejecting Tenants.*

52. No tenant with a right of occupancy or holding under an unexpired lease shall be ejected otherwise than in execution of a decree for ejectment, or as provided in section 54; and no ex-proprietary tenant shall be ejected in either of these modes without the sanction of the Commissioner previously obtained.

Certain tenants ejected only in execution of decree.

53. If a landlord desire to eject a tenant not being a tenant of any of the classes referred to in section 52, he may cause a written notice of ejectment to be served on such tenant not less than one month before the commencement of any agricultural year.

Mode of ejecting other tenants.

If the tenant does not quit the land before the commencement of such year, the landlord may present an application to the Revenue-officer for assistance to eject.

The Revenue-officer if satisfied—

(1) that the tenant is not a tenant of any of the classes referred to in section 52, and

(2) that the notice of ejectment was served as hereinbefore required,

may order the ejectment of such tenant.

54. Any tenant may be ejected under an order of the Court executing a decree against him for an arrear of rent if such decree has remained unsatisfied for the period of one month from the date of any application for execution of the same.

Ejectment in execution of decree for arrears.

55. No tenant shall be ejected under section 52, 53 or 54 from any land on which he has effected any permanent improvement by sinking a well, constructing an embankment, planting, draining or otherwise, unless and until he has been paid by the landlord the value of such improvement at the date of ejectment; such value to be determined, in case the parties differ, by order of the Revenue-officer.

Compensation claimable by tenant ejected.

(*I*).—*Of Relinquishment by a Tenant.*

56. Except as may be otherwise provided by any contract, the rent paid by a tenant-at-will in any agricultural year in respect of any land shall continue payable by him during the succeeding agricultural year, unless such tenant, three months before the commencement of such succeeding year, gives notice

When tenant-at-will may relinquish.

to his landlord of his intention to relinquish such land, or unless his landlord before the end of such succeeding year ejects him from such land, or lets the same to some other person.

PART III.

Of Land-Revenue Settlements.

(*A*).—*Of the Assessment of the Land-Revenue.*

Offer of settlement of estate owned by one person.

57. When the estate in respect of which a settlement is to be made is owned by one person, the settlement shall be offered to that person.

Estate owned by several persons.

58. When such estate is owned by several persons, the settlement may be offered to such persons or to their lambardárs or other representatives.

Term for which settlement is made.

59. The term for which a settlement is to be made shall be fixed by the Chief Commissioner with the previous sanction of, or under such rules as may from time to time be prescribed by, the Governor General in Council.

Declaration of terms to person to be offered settlement.

60. When the Revenue-officer in charge of the settlement has satisfied himself as to the amount at which, under such rules as may from time to time be made in this behalf by the Chief Commissioner, an estate should be assessed, he shall declare the same to the persons to whom the settlement of such estate is to be offered.

Effect of acceptance of offer.

61. If such persons agree to the assessment so proposed, their agreement shall be reduced to writing and signed by them, and they and those (if any) whom they represent shall become liable from the date of such agreement, or from such subsequent date as the Chief Commissioner may direct, for the payment of the amount of such assessment.

Sanction requisite to bind Government.

But no assessment shall be considered final as against the Government until it has been sanctioned by the Governor General in Council.

Exclusion of proprietors refusing to accept offer.

62. If such persons refuse to accept the proposed assessment, the Revenue-officer in charge of the settlement may exclude such persons and those (if any) whom they represent from their estate and may make a settlement of such estate with any other persons, or may take such estate under direct management.

The period of such exclusion shall in no case extend beyond the term of the settlement.

Allowance to persons excluded.

63. All persons excluded under section 62 shall, during the period of their exclusion, be entitled to a yearly allowance from the Government, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent., or more than ten per cent., of the nett amount realized by Government from the estate from which such persons are excluded.

64. All persons who are bound by the agreement prescribed by section 61 and their successors in interest shall, while they continue to be owners of land in the estate to which such agreement relates, be jointly and severally liable for the payment of the whole amount of revenue assessed upon such estate. **Joint and several liability.**

No partition of the nature of that commonly called "perfect partition" shall be made except with the previous sanction of the Chief Commissioner. **"Perfect partition" when allowed.**

(B).—Of the Settlement-record.

65. Whenever any settlement of an estate is to be made, the Chief Commissioner may direct that, in addition to the written agreement prescribed by section 61, a settlement-record consisting of all or any of the following documents or of any other similar documents he thinks fit, shall be prepared:— **Settlement-record.**

1. A pedigree-table showing all owners of land in such estate:

2. A map showing the boundaries of the village or villages comprised in such estate and the boundaries of all fields in such village or villages:

3. A statement of the owners of the fields shown in such map:

4. A statement of the occupiers of such fields, and of the status of such occupiers:

5. A statement of the amount of revenue payable as among themselves by each owner or occupier in respect of his holding:

6. A statement of persons holding land revenue-free in such estate and of the lands so held:

7. A record of any customs prevailing in such estate:

8. An abstract of the proceedings at such settlement.

66. Entries in the settlement-record shall be made on the basis of actual possession and existing usage, and shall be authenticated by the signature of the Revenue-officer. **Entries in such record how made.**

67. Any person who considers himself aggrieved by an entry in the settlement-record may appeal to the Authorities to whom an appeal lies under this Regulation, or when the entry is one in the first, third, fourth or seventh document mentioned in section 65, may, instead of so appealing, or if he prefers an appeal and is dissatisfied with the order passed thereon by any such Authority, bring a suit in the civil Court against any other persons interested in such entry to have such entry amended. **Proceedings to contest entry.**

68. Entries in the settlement-record made in the course of a settlement and authenticated under section 66, shall be presumed to be correct till the contrary is proved. **Entries presumed true.**

69. The settlement-record shall be made over to the Collector at such time as the Chief Commissioner may direct. **Record to be delivered to Collector.**

and kept up by him.

The Collector shall, subject to any rules made under section 70, from time to time record, or cause to be recorded, all facts affecting any matters stated in the settlement-record, which occur subsequently to such record being made over to him.

Rules regarding maintenance of record.

70. The Chief Commissioner may from time to time by rule determine—

(*a*) what facts shall be so recorded, and the manner in which, the persons by whom, and the occasions on which, such facts shall be brought to notice and recorded;

(*b*) what fees shall be payable in respect of the recording of such facts by any persons concerned in or affected by the occurrence of such facts.

(*C*).—*Miscellaneous.*

Continuance of assessment;

71. If the term for which any assessment of an estate has been made expires before a new settlement of such estate is made, all persons who continue to occupy land comprised in such estate after the expiration of such term shall hold such land upon the conditions of such assessment until a new settlement is made.

of record-of-rights.

In all cases the existing record-of-rights shall continue in force until a new record-of-rights is made.

Application of sections 64, 67 to 71.

72. Section 64 and sections 67 to 71 (both inclusive) shall, so far as they may be applicable, apply to the settlement concluded in 1874.

PART IV.

Of the Collection of the Land-revenue.

(*A*).—*Time and Place for Payment of Revenue.*

Rules as to instalments and times and places of payment.

73. The Chief Commissioner may from time to time make rules as to the instalments by which, and the places and times at which, the revenue payable in respect of any estate shall be paid, and as to the mode in which notice of such instalments, places and times shall be given to the persons concerned.

Until the Chief Commissioner otherwise directs, the practice in respect of such matters prevailing at the time this Regulation comes into operation shall continue.

"Arrear," "defaulter."

74. Any sum not paid as required by section 73 or the rules framed thereunder shall be deemed to be an arrear of land-revenue, and every person liable for it shall be deemed to be a defaulter.

(*B*).—*Arrest and Imprisonment of Defaulter.*

Issue of

75 When an arrear of land-revenue has accrued, the Collector may issue

a warrant ordering any defaulter to pay the whole or any part of such arrear within a time therein specified, and may empower an officer named in such warrant, in the event of the amount demanded not being so paid, to arrest such defaulter and bring him to the tahsíl.

Warrant of arrest.

76. If, when the time named in such warrant has expired, the defaulter is brought to the tahsíl, and does not either pay such amount or the portion thereof remaining unpaid (as the case may be), or show good reason for extending the time for payment thereof, the Collector may direct him to be conveyed to the Collector's head-quarters, and there kept under personal restraint for ten days or until he pays such amount or such portion thereof within that period.

Order to bring defaulter to district head-quarters.

77. The Collector, with the previous sanction of the Commissioner, may empower any Revenue-officer subordinate to him, and not being of lower grade than that of Tahsíldár, to exercise the powers conferred on the Collector by sections 75 and 76.

Delegation to subordinate Revenue-officer of powers under sections 75 and 76.

78. If the amount named in any warrant issued under section 75 or the portion thereof remaining unpaid (as the case may be) is not paid within the period of ten days fixed by section 76, and no good reason for the delay in the payment thereof is shown, the Collector may, by his warrant, commit the defaulter to the civil jail, to be there detained for such period not exceeding six months, or, if such amount or such portion thereof is more than five hundred rupees, for such period not exceeding one year, from the date of such warrant, as such Collector thinks fit, unless such amount or such portion thereof is sooner paid.

Commitment to civil jail.

79. Whenever any of the processes provided in sections 82, 87 and 93 is taken in respect of an arrear, any defaulter whose holding has been attached, transferred or sequestered, shall, if he is in custody under sections 75, 76 or 78 be forthwith discharged.

Discharge of defaulter on enforcement of process under section 82, 87 or 93.

(*C*).—*Attachment and Sale of moveable Property.*

80. Instead of, or in addition to, the proceedings authorized by sections 75 to 78 inclusive, the Collector may, in order to realize the whole or any portion of an arrear, order the attachment and sale of the moveable property of any defaulter with the exception of the following, that is to say—

Attachment and sale of moveable property.

(*a*) implements and materials used in husbandry and animals kept for agricultural purposes;

(*b*) implements of trade or of domestic industry, and

(*c*) the necessary wearing apparel of such defaulter and of his wife and children.

Procedure to be followed.

81. Every attachment and sale ordered under section 80 shall be conducted as nearly as may be according to the law in force for the time being for the attachment and sale of moveable property in execution of a decree of a civil Court.

(D).—Attachment of the Estate without Cancellation of the Settlement, Leases, &c.

Power to attach land.

82. When an arrear of revenue has accrued in respect of any land, the Collector may, in addition to, or instead of, the processes hereinbefore specified, cause such land or any part thereof to be attached and taken under the direct management of any agent whom he appoints in that behalf.

Effect of attachment.

83. During the continuance of an attachment under section 82, the defaulters shall be excluded from possession of the land attached, and the agent appointed by the Collector shall stand for all purposes in their position, being bound by all their liabilities to any subordinate proprietors, incumbrancers or tenants of, or on, such land, and being entitled to manage such land, and to receive all rents and profits accruing due to such defaulters therefrom.

Profits of land how applied.

84. The surplus-profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue falling due upon such land during the attachment, and next, to discharging the arrear.

Attachment when to cease.

85. The attachment shall continue until the arrear is paid or realized from the profits of the land, or the Collector thinks fit to reinstate the defaulters in possession.

(E).—Transfer to a solvent Málguzár or Incumbrancer.

Application for transfer.

86. When an arrear accrues in respect of any estate, owing to one of the málguzárs thereof failing to contribute the portion of the revenue chargeable as between him and the other málguzárs of such estate to his holding, any other málguzár of such estate, or any mortgagee or other incumbrancer of, or on, such holding may present a petition to the Collector, offering to take over such holding and pay the portion of the arrear chargeable thereto either in a lump-sum or by instalments.

When it may be granted.

87. If the Collector is satisfied that the arrear has accrued owing to such failure, and that such offer ought to be accepted, he may suspend the execution of any other process taken for the realization of the arrear, and transfer the holding to the applicant.

Case of several applications.

88. Where more than one application is made under section 86, the Collector shall, all other things in his opinion being equal, give a málguzár the preference to an incumbrancer, and among several málguzárs shall give the

preference to the applicant who, in case the defaulting málguzár's holding were sold, would have a right of pre-emption.

89. Any transfer under section 87 may be made subject to such conditions as the Collector thinks fit, and may be either— Conditions of transfer

(*a*) for a term not exceeding fifteen years, on the expiry of which the excluded málguzár shall be entitled to re-enter without making good the arrear, or for term;

(*b*) until the amount of the arrear paid by the transferee is repaid to him by such málguzár. till arrear is repaid.

90. When a transfer is made under section 89, clause (*b*), and the amount of the arrear is not repaid within twelve years from the date thereof, the transferee may apply to the Collector to publish a notification declaring that if such amount is not repaid to the transferee within one year from the date of such notification, such transfer will become absolute. Application to have transfer under section 89 (*b*) made absolute.

The Collector may, if he thinks fit, publish such notification, and if the amount of the arrear is not so repaid before the expiration of one year from the date of such notification, the transfer shall become absolute. Proceedings thereon.

91. No proceedings taken under sections 86 to 90, inclusive, shall affect the joint and several liability of the málguzárs of the estate in which they are taken, for arrears accruing on such estate subsequently to the transfer of the holding of the defaulting málguzár, except that, as regards all such arrears, the transferee shall stand in the place of such málguzár. Joint and several liability not affected by transfer.

(*F*).—*Sequestration of the Estate with Cancellation of Settlement, Leases, &c.*

92. When any arrear of land-revenue due in respect of an estate remains unpaid for more than one month, the Collector may, with the previous sanction of the Chief Commissioner, cause to be published and served upon the persons concerned, a notification announcing that, unless such arrear is paid within fifteen days from the date thereof, he will sequester such estate or such portion thereof as may be specified in such notification. Notification preliminary to sequestration.

93. If such arrear is not paid within fifteen days from the date of such notification, the Collector, with the previous sanction of the Commissioner, may make an order directing that such estate or portion be sequestered, and the defaulters excluded therefrom for a period not exceeding fifteen years from the date of such order, and not extending beyond the term of settlement. Order of sequestration.

94. On an order of sequestration being passed under section 93, the following consequences shall ensue:— Effect of such order.

(*a*) the execution of any other process taken for the realization of the arrear from the excluded defaulters shall be suspended;

(*b*) the settlement of the estate shall be cancelled;

(*c*) all liens, leases and other incumbrances created by such defaulters, or by any person through whom they claim, over the estate or portion thereof sequestered may, at the option of the Collector, be cancelled;

(*d*) the Collector may take possession of such estate or portion thereof, and either appoint an agent to manage it or let it in farm on such terms as the Chief Commissioner may by rule prescribe;

(*e*) all persons in occupation of any land comprised in such estate or portion thereof shall be bound to pay rent at such rates as the Collector may in his discretion from time to time think proper to fix.

Expiry of period of sequestration.

95. On the expiry of the period of sequestration, the estate or portion thereof sequestered shall revert to the excluded defaulters without payment by them of the arrear for which it was sequestered.

(*G.*)—*Miscellaneous.*

Recovery of arrears by attachment of immoveable property other than estate.

96. When an arrear of revenue cannot be recovered by any of the processes hereinbefore described, the Collector may, with the previous sanction of the Chief Commissioner, order the attachment under sections 82 to 85, inclusive, of any immoveable property of the defaulters other than that in respect of which such arrear has accrued, and may apply the provisions of those sections to such property until such arrear is discharged.

Recovery of—

97. The provisions of this Part shall, as far as may be, apply to the recovery of the following, that is to say—

land-revenue due;

(*a*) land-revenue due at the time when this Regulation comes into operation;

rent on Government land, &c.;

(*b*) rent payable to the Government in respect of land owned by the Government or held under direct management in exercise of the powers conferred by sections 62, 82 and 94 or otherwise;

other moneys.

(*c*) fees, costs or other money payable under this Regulation or under any rule made in exercise of a power conferred by this Regulation.

(*H*).—*Recovery of Revenue through Headmen.*

Other málguzárs to pay to headmen.

98. In any estate in which headmen have been appointed, the remaining málguzárs shall be bound, on demand made by the headmen fifteen days before an instalment of revenue falls due, to pay to such headmen the portions of such instalment which as between themselves are chargeable to their holdings respectively.

But no proceedings shall be instituted or maintained by a headman for the recovery of any sum so chargeable to a holding in an estate after the Collector has informed such headman that the Government demand on such

estate has been remitted to an amount equal to such sum, and that such remission has been granted with special reference to such holding.

99. The power of distraint now exercisable by village-headmen as such shall cease to exist. Distraint abolished.

100. A village-headman may sue one or more co-sharers in the same suit for sums demandable on account of the same instalment of revenue. Joinder of defendants in suits for arrears.

PART V.

Of Courts of Wards.

101. The Collector shall be a Court of Wards, but shall exercise the functions of such Court subject to the control of the Commissioner and Chief Commissioner. Functions of Court of Wards by whom discharged.

102. The Court of Wards may, in its discretion, take charge of and administer any property, moveable or immoveable, of any person who belongs to any of the following classes, that is to say— What property may be taken charge of.

unmarried females,

minors,

idiots,

lunatics, and

persons incompetent to manage their own affairs,

and who is entitled to any beneficial interest in any land assessed or assessable to land-revenue, or in any revenue-free holding or assignment of land-revenue :

Provided that such Court shall not take charge of or administer any property in which several persons have a joint undivided interest, unless every such person is a person of one of the said classes.

103. The Court of Wards may enquire into the minority, lunacy, idiocy or incompetency of any person who, there is reason to believe, would, if found to be a minor, lunatic or idiot, or incompetent, be subject to the jurisdiction of such Court, and into the circumstances and property of any such person, and may make an order declaring such person to be subject to such jurisdiction. Power to enquire into minority, &c., and declare person subject to Court.

104. When any person so declared subject to the jurisdiction of the Court appeals to the Commissioner in exercise of the right hereinafter conferred, on the ground that he is not, or has ceased to be, a minor or lunatic, or that he is not an idiot or incompetent to manage his own affairs, the decision of the Commissioner on such appeal shall, subject to the powers of revision and review hereinafter provided for, be final. Appeal from order under section 103.

105. The provisions of Part IV of this Regulation shall, as far as may be, apply to the realization of arrears of rent payable to the Court of Wards by tenants holding directly under such Court. Part IV to apply to arrears of rent payable to Court of Wards.

PART VI.

MISCELLANEOUS.

Erection and repair of boundary-marks.

106. A Revenue-officer may, by a notice in writing, require any person liable for the revenue of any land, or entitled to hold such land free of revenue, to erect boundary-marks sufficient for defining the limits of such land, or to repair any such boundary-marks already existing; and if such person fails to comply with his requisition within a period to be specified in such notice, may cause the work to be done, and recover the cost thereof as if it were an arrear of revenue due in respect of such land.

Additional powers which may be conferred on Revenue-officers.

107. In addition to the powers directly conferred on Revenue-officers by this Regulation, the Chief Commissioner may, subject to any restrictions imposed by the Governor General in Council, invest any Revenue-officer by name or by office for any of the purposes of this Regulation with any of the following powers, to be exercised by him in any part of the territories to which this Regulation extends, and in any specified class of cases:—

(*a*) any of the powers specified in the fourth section of the Land Acquisition Act, 1870;

(*b*) any power exercised by a civil Court in the trial of suits;

(*c*) power to refer any matter in dispute, which he is required by this Regulation to decide, to arbitration, whether with or without the consent of the parties; and to delegate to the arbitrators all powers necessary for the investigation and decision of such matter;

(*d*) power to hear appeals from the decisions of arbitrators in matters referred under clause (*c*);

(*e*) power to delegate the exercise of any power or the performance of any duty to a subordinate Revenue-officer;

(*f*) power to review any decision or order given by him which is not open to appeal, or from which, if open to appeal, no appeal has been preferred;

(*g*) power to call for the proceedings of any subordinate officer, and review any order or decision given therein, which is not open to appeal, or from which, if open to appeal, no appeal has been preferred.

Functions of Collector how discharged.

108. Except as may from time to time be otherwise directed in the exercise of a power conferred by any enactment for the time being in force, the functions of a Collector under any enactment for the time being in force shall in any part of the said territories be discharged by the officer who may be appointed Collector for such part under this Regulation.

Chief Commissioner's power of revision.

109. The Chief Commissioner may call for the record of any proceedings had by any Revenue-officer, and may pass such order thereon consistent with this Regulation as he thinks fit.

110. In addition to the other matters for which the Chief Commissioner is empowered by this Regulation to make rules, he may from time to time make rules consistent with this Regulation— Additional power to make rules.

(*a*) for the assessment of the land-revenue ;

(*b*) for the investigation of claims to exemption from such assessment or to assignments of land-revenue ;

(*c*) for the appointment and removal of circle-headmen, village-headmen and patels ;

(*d*) to determine the persons by whom, the time, place and manner at or in which, anything to be done under this Regulation and for which no express provision is made in these respects, shall be done ; and to regulate the procedure of Revenue-officers and arbitrators acting under this Regulation in all cases ;

(*e*) for the investigation by the higher Revenue-officers of charges of misconduct preferred against Revenue-officers of lower grade ;

(*f*) to determine the fees to be charged for the service of process issued under this Regulation, and to regulate the costs in all proceedings before Revenue-officers ;

(*g*) to determine the form of any notice or notification required by this Regulation to be served or published, and the mode in which such notice shall be served or published, and

(*h*) generally to carry out the provisions of this Regulation.

111. The Chief Commissioner may, in making any rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a term not exceeding one month, or fine not exceeding two hundred rupees, or both. Power to prescribe penalty for breaches of rules.

112. No rule made by the Chief Commissioner under this Regulation shall take effect until it has been published in the *Rájputána Gazette.* Rules how to be published.

All such rules when so published shall, in so far as they are consistent with this Regulation, have the force of law. Force of rules.

113. The Chief Commissioner shall at least once in every three years cause all such rules still in force to be arranged in some convenient order according to their subject-matter, consolidated, and, where necessary, amended. Consolidation and republication of rules.

The rules so arranged, consolidated and amended shall be published in the *Rájputána Gazette,* and upon such publication, all rules previously made under this Regulation shall cease to be in force.

114. Except as hereinbefore otherwise provided, an appeal shall lie from First appeals.

every order and decision given under any of the provisions hereinbefore contained—

(*a*) when such order or decision is given by any Revenue-officer other than the Commissioner or a Collector—to the Collector or to such other officer as the Chief Commissioner may direct to hear such appeals;

(*b*) when such order or decision is given by the Collector—to the Commissioner;

(*c*) when such order or decision is given by the Commissioner—to the Chief Commissioner.

Second appeals.

115. If in any case the order or decision given in appeal under clause (*a*) or clause (*b*) of section 114 reverses or modifies the original order or decision on a point material to the merits of the case, and is not hereinbefore declared to be final, the Commissioner or Chief Commissioner, as the case may be, may receive a second appeal if on perusal of the grounds of appeal, and of copies of the orders or decisions already given, a further consideration of the case appears to him to be requisite for the ends of justice.

Limitation of appeals.

116. The period of limitation for an appeal under section 114 or section 115 shall begin to run from the date of the order or decision appealed against, and shall be as follows, that is to say—

(*a*) when such appeal lies to the Commissioner or Chief Commissioner sixty days;

(*b*) in other cases, thirty days.

In other respects the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

Order in first appeal, when confirming original decision, final

117. Every order or decision given in first appeal, confirming the original order or decision, shall, subject to the powers of review and revision conferred under section 107 and by section 109, be final.

No certificates for Revenue-agents to be granted.

118. Notwithstanding anything contained in the Pleaders, Mukhtárs and Revenue Agents' Act, 1865, no certificate authorizing any person to practise as a Revenue-agent shall be granted under that Act after the passing of this Regulation.

Proceedings under this Regulation not to be impeached.

119. Except as hereinbefore expressly provided,—

(*a*) everything done, ordered or decided by the Governor General in Council, the Chief Commissioner or a Revenue-officer under this Regulation, shall be deemed to have been legally and rightly done, ordered or decided;

Limitation of jurisdiction of civil Courts.

(*b*) no civil Court shall entertain any suit or application instituted or presented with a view to obtaining any order or decision which the Governor General in Council, the Chief Commissioner or a Revenue-officer is under this Regulation empowered to make or pronounce.

THE AJMER LAWS REGULATION, 1877.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY AND GENERAL.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of enactments.
   Saving.
3. Regulations to be deemed to be in force.
4. Rules of decision in cases of certain classes.
5. Rule in cases not expressly provided for.

CHAPTER II.

PRE-EMPTION.

6. Right of pre-emption.
7. Presumption as to its existence.
8. Its existence in towns to be proved.
9. Devolution of right when property to be sold or foreclosed is a proprietary tenure.
10. Notice to pre-emptors.
11. Loss of right of pre-emption.
12. Right of pre-emptor on foreclosure.
13. Suit to enforce right of pre-emption.
14. Decree to fix time for payment.
15. Effect of non-payment of purchase-money.

CHAPTER III.

CRIMINAL LAW AND POLICE.

16. Villages to aid in tracking.
17. Duty of complainant and his trackers.
18. „ of other trackers.
19. Procedure when tracks are lost.
20. Power to fine villager for breach of track-law.
21. Appeal from order under section 20.
22. Award of compensation for injury.
    Reward to tracker.
23. Responsibility of landholders and farmers.
24. Villagers to aid in apprehending offenders.
25. Liabilities of villager.

SECTIONS.

26. Lambardár to keep register of new cattle brought to village.
27. Recovery of money paid under award of the Court of vakíls.
28. Recovery of fines, &c., payable under this chapter.
29. Indian Penal Code to apply to certain offences.
30. Police may apprehend members of armed band.
31. Power to invest Istimrárdár, &c., with powers of Police-officer.

CHAPTER IV.

MISCELLANEOUS.

32. Claims under contracts of dower.
33. Amount of interest to be decreed.
34. Slaughter of animals and sale of beef.
35. Sale of flesh, shooting, &c., within limits of any religious place.
36. Manufacture of salt.
37. Confiscation of salt manufactured without license.
38. Recovery of revenue other than land-revenue.
39. Taxation in cantonments.
40. Additional power to make rules.
41. Penalty for breach of rules.
42. Rules to be sanctioned and published.
Force of rules.

FIRST SCHEDULE.—ACTS REPEALED.

SECOND SCHEDULE.—REGULATIONS IN FORCE.

REGULATION No. III OF 1877.

A Regulation to declare and amend the law in force in Ajmer and Merwára.

[*Published in the Gazette of India of 3rd of November, 1877, p. 636, and in the Rájputána Official Gazette of 2nd of February, 1878.*]

Preamble. WHEREAS it is expedient to declare and amend certain portions of the law in force in Ajmer and Merwára; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY AND GENERAL.

Short title. 1. This Regulation may be called "The Ajmer Laws Regulation, 1877 :"

Local extent. It extends to the territories now under the administration of the Chief Commissioner of Ajmer, and to which the provisions of the 33rd of Victoria, cap. 3, section 1, have been applied;

And it shall come into operation on such date as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may, by a notification in the *Gazette of India*, direct.[a] Commencement.

2. On and from such date the following shall be repealed, that is to say— Repeal of enactments.

(*a*) all Bengal Regulations except the Regulations referred to in section 3 of this Regulation;

(*b*) all Acts of the Governor General in Council which do not expressly, or by necessary implication, extend to the said territories or any part thereof, and may not prior to the said date, and in exercise of a power conferred by an Act of the Governor General in Council, have been extended thereto or declared to be in force therein;

(*c*) all rules, regulations and enactments, not being Statutes, Bengal Regulations, Acts of the Governor General in Council, Regulations enacted under the 33rd of Victoria, cap. 3, section 1, or rules or regulations made in exercise of a power conferred by any Statute or by any such Regulation or Act;

(*d*) the enactments specified in the first schedule hereto annexed, to the extent mentioned in the third column thereof.

But nothing contained in this section shall affect anything done, or any offence committed, or any fines or penalty incurred, or any proceedings commenced, before the said date. Saving.

3. The Regulations specified in the second schedule hereto annexed shall be deemed to be in force throughout the said territories to the extent mentioned in the third column of the said schedule. Regulations to be deemed to be in force.

But the powers and functions incident to the operation of the said Regulations, so far as such powers and functions are referred to in the fourth column of the said schedule, shall be exercised and discharged by the authority mentioned in that column.

4. In questions regarding succession, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family-relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Regulation: Rules of decision in cases of certain classes.

Provided that, when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsist-

[a] The 1st January, 1878, *Rájputána Official Gazette*, 29th December 1877, p. 290.

ent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

Rule in cases not expressly provided for.

5. In cases not provided for by section 4 of this Regulation, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

CHAPTER II.

PRE-EMPTION.

Right of pre-emption.

6. The right of pre-emption is a right of the persons hereinafter mentioned or referred to, to acquire, in the cases hereinafter specified, immoveable property in preference to all other persons.

Presumption as to existence.

7. Unless the existence of any custom or contract to the contrary is proved, such right shall, whether recorded in the settlement-record or not, be presumed—

(*a*) to exist in all village-communities, however constituted, and

(*b*) to extend to the village-site, to the houses built upon it, to all lands and shares of lands within the village-boundary, and to all transferable rights affecting such lands.

Existence in towns to be proved.

8. The right of pre-emption shall not be presumed to exist in any town or any sub-division thereof, but may be shown to exist therein, or in any sub-division thereof, and to be exerciseable therein by such persons and under such circumstances as the local custom prescribes.

Devolution of right when property to be sold or foreclosed is proprietary tenure.

9. If the property to be sold or foreclosed is a proprietary tenure, or a share of such a tenure, the right to buy or redeem such property belongs, in the absence of a custom to the contrary,—

1st, to co-sharers of such tenure, in order of their relationship to the vendor or mortgagor;

2ndly, to co-sharers of the whole mahál in the same order, and

3rdly, to any member of the village-community.

Where two or more persons are equally entitled to such right, the person to exercise the same shall be determined by lot.

Notice to pre-emptors.

10. When any person proposes to sell any property or when he forecloses a mortgage upon any property in respect of which any persons have a right of pre-emption, he shall give notice to the persons concerned of the price at which he is willing to sell such property, or of the amount due in respect of such mortgage, as the case may be.

Such notice shall be given through the Court or some one of the Courts (where there is more than one such Court) in which, under the law for the time being in force, a suit to recover possession of the property might be

instituted, and shall be deemed sufficiently given if it be stuck up on the *chaupál* or other public place of the village or town in which the property is situate.

11. Any person having a right of pre-emption in respect of any property proposed to be sold, shall lose such right, unless within three months from the date of such notice he or his agent pays or tenders the price aforesaid to the person so proposing to sell. Loss of right of pre-emption.

12. When the right of pre-emption arises in respect of the foreclosure of a mortgage, any person entitled to such right may, at any time within three months after the giving of the notice required by section 10, pay or tender to the mortgagee or his successor in title the amount specified in such notice, and shall thereupon acquire a right to purchase the property. Right of pre-emptor on foreclosure.

On completion of the purchase, the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor in title the amount specified in such notice, together with interest on the principal sum secured by the mortgage, at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor in title.

13. Any person entitled to a right of pre-emption may bring a suit to enforce such right on any of the following grounds (namely)— Suit to enforce right of pre-emption.

(*a*) that no due notice was given as required by section 10 of this Regulation;

(*b*) that tender was made under section 11 or section 12 of this Regulation, and refused;

(*c*) in the case of a sale, that the price stated in the notice was not fixed in good faith;

(*d*) in the case of a mortgage, that the amount claimed by the mortgagee was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged.

If, in the case of a sale, the Court finds that the price was not fixed in good faith, the Court shall fix such price as appears to it to be the fair market-value of the property sold.

If, in the case of a mortgage, the Court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, and that it was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged, the amount to be paid to the mortgagee shall not exceed what the Court finds to be such market-value.

14. If the Court find for the plaintiff, the decree shall specify a day on or Decree to fix

Time for payment.

before which the purchase-money or the amount to be paid to the mortgagee shall be paid.

Effect of non-payment of purchase-money.

15. If such purchase-money or amount is not paid into the Court before it rises on that day, the decree shall become void, and the plaintiff shall, so far only as relates to such sale or mortgage, lose his right of pre-emption over the property to which the decree relates.

CHAPTER III.

Criminal Law and Police.

Villagers to aid in tracking.

16. When an offence has been, or may reasonably be supposed to have been, committed, whether within or beyond British territory, and whether by British subjects or others, and the tracks of the persons who may reasonably be supposed to have committed such offence, or of any animal or property reasonably supposed to be connected with such offence, are followed to a spot within the immediate vicinity of any village, the residents of such village shall render every assistance in carrying on such tracks.

Duty of complainant and his trackers;

17. The trackers of the village or locality where the offence was committed and the sufferers from the same shall continue with the trail, until the tracks have been acknowledged by some village through the lands of which they pass.

of other trackers.

18. The trackers of each village within the lands of which the tracks are found, shall accompany the trail until the tracks have been acknowledged by some village further on in which the said tracks are found.

Procedure when tracks lost.

19. When the tracks cease to be discernible, the trackers then in charge shall proceed at once to the nearest Police-station, and make a report of the case.

Power to fine villager for breach of track-law.

20. If the inhabitants of any village fail to give forthwith the assistance required by section 16 of this Regulation, or if they do not afford full opportunity for search in their houses for the offenders or property, or if it appears that they or any of them were conniving at the offence or at the escape of the offenders or at the removal or concealment of the property, and the offenders or the property cannot be traced beyond such village, the Magistrate of the District may inflict a fine upon such village not exceeding five hundred rupees, except in the case of property exceeding five hundred rupees in amount or value being stolen, when the fine may be of any amount not exceeding the value of such property.

Appeal from order under section 20.

21. An appeal shall lie to the Commissioner against every order imposing a fine under section 20 of this Regulation.

Award of

22. The Magistrate of the District may direct that the fine imposed under

section 20 of this Regulation, or any portion of such fine, be awarded to any person injured by the offence in compensation for such injury.

compensation for injury.

Where stolen property is recovered through the agency of a tracker, such property shall not be restored to the owner till he has paid to the tracker such reward, not exceeding one-quarter of the value of the property recovered, as the Magistrate of the District may direct.

Reward to tracker.

23. Landholders and farmers are responsible for maintaining the peace and for apprehending all disturbers of it in their respective estates and farms,

Responsibility of landholders and farmers.

and they shall do all in their power to prevent the commission, within their respective estates and farms, of dacoity, robbery, murder, housebreaking, theft and other such offences; and, on the occurrence within such estates and farms of any such offence, shall do their utmost to apprehend the offenders, and shall pursue them if they have fled.

24. Inhabitants of villages through or near which the pursuit may lie, shall join in the pursuit and afford all possible assistance towards the apprehension of the offender and the recovery of the stolen property (if any).

Villagers to aid in apprehending offenders.

25. The inhabitants of a village shall not as a general rule be bound to make good to any person the loss sustained by him by robbery, dacoity or theft committed within the limits of such village; but if the inhabitants of such village be found to have neglected any of the rules laid down in section 23 of this Regulation, they shall be liable collectively to pay to such person such sum, not exceeding the amount of such loss, as the Magistrate of the District may fix with reference to the circumstances of the case, the degree of negligence, and the capabilities of such inhabitants to pay.

Liabilities of villager.

26. The lambardár of each village or, where there are several lambardárs, such one of them as the Magistrate of the District may direct, shall keep a register in which he shall enter a description of all new cattle brought to the village, in such form as the Chief Commissioner may by rule prescribe.

Lambardár to keep register of new cattle brought to village.

Every person bringing new cattle to the village shall within twenty-four hours of their arrival there, unless prevented by some circumstance beyond his control, take them before the said lambardár for registration.

27. When an award is made by the Rájputána Court of Vakíls against the British Government on account of fine, blood-money or compensation, or otherwise, the Magistrate of the District may, with the previous sanction of the Commissioner where the amount of the award does not exceed one thousand rupees, and with the previous sanction of the Chief Commissioner where it exceeds that sum, recover the said amount or any part thereof from any person convicted, whether by the said Court or by a criminal Court in British India, of the offence on account of which such award was made, or

Recovery of money paid under award of Court of Vakíls.

from any village or person liable to fine or to the payment of compensation for such offence under section 20 or section 25 of this Regulation.

Recovery of fines, &c., payable under chapter.

28. All sums payable under this chapter may be recovered by the Magistrate of the District in the manner prescribed for the realization of fines by the Criminal Procedure Code.

Indian Penal Code to apply to certain offences.

29. The provisions of the Indian Penal Code and the Acts amending it shall apply to every offence committed before the first day of January, 1862, in any part of the territory to which this Regulation extends, and which at the time such offence was committed was part of British India.

Police may apprehend members of armed band.

30. The Police may apprehend and keep in custody, pending orders from the Chief Commissioner, any person who, there may be reason to believe, belongs to a band of armed men united together for the purpose of committing an offence, whether such offence is to be committed in British territory or elsewhere.

Power to invest Istimrárdár, &c., with powers of Police-officer.

31. The Chief Commissioner may invest any Istimrárdár or other person with any or all the powers which may be exercised by a Police-officer under any Act for the time being in force in the territories to which this Regulation extends, and may prescribe the limits within which such powers may be exercised.

CHAPTER IV.

MISCELLANEOUS.

Claims under contracts of dower.

32. When any claim is made under a contract of dower entered into by a Muhammadan husband, whether such claim is made during his life-time or after his death, and whether it is a claim made by a plaintiff, or a claim by way of set-off or lien made by a defendant, the Court shall allow such amount only as appears to be reasonable with reference to the means of such husband, anything to the contrary in such contract notwithstanding.

Amount of interest to be decreed.

33. The amount of interest which may be decreed in any suit instituted in any civil Court for the period prior to the date of the suit, shall not exceed the amount of the principal sum of money received by the defendant from the plaintiff or the persons whom the plaintiff represents.

Slaughter of animals and sale of beef.

34. The Chief Commissioner may from time to time make rules regulating and restricting the slaughter of animals and the sale of beef or other meat.

In case of emergency the Magistrate of the District, subject to the control of the Commissioner, may issue orders of a similar nature, to remain in force for any period he may fix not exceeding one month.

Sale of flesh, shooting, &c., within limits

35. Where the sale of flesh or shooting or killing animals is at the time this Regulation comes into force prohibited within the limits of any religious place, by order of the Magistrate of the District with the sanction of the

Commissioner, such prohibition shall continue unless or until otherwise ordered by the Chief Commissioner. of any religious place.

36. No person shall manufacture salt without taking out a license from the Magistrate of the District, and paying such fee as the Chief Commissioner may by rule prescribe. Manufacture of salt.

Any person who manufactures salt without a license or in contravention of any condition contained in his license, or knowingly permits salt so to be manufactured on his land, shall be liable for the first offence to a fine which may extend to fifty rupees, and for each subsequent offence to rigorous or simple imprisonment for a term which may extend to three months, or to a fine which may extend to five hundred rupees, or to both.

The Chief Commissioner may, with the previous sanction of the Governor General in Council, grant exemptions from the provisions of this section, and revoke any exemption so granted.

Subject to the control of the Chief Commissioner and of the Governor General in Council, the Commissioner may suspend, for any period he thinks fit, the operation of any such exemption.

37. All salt manufactured in contravention of the provisions of section 36, and all articles used in its manufacture, may be confiscated by the Magistrate of the District, subject to an appeal to the Commissioner. Confiscation of salt manufactured without license.

38. The Chief Commissioner may, with the previous sanction of the Governor General in Council, invest any officer by name or office with all or any of the powers conferred by the Ajmer Land and Revenue Regulation, 1877,[a] for the recovery of land-revenue, or for the recovery of any other revenue due to the Government. Recovery of revenue other than land-revenue.

39. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules— Taxation in cantonments.

(*a*) for the imposition on grain and other raw produce, and on sugar imported into any cantonment and sold therein, of a tax not exceeding five per cent. *ad valorem*;

(*b*) for regulating the import and sale of such produce with a view to the better realization of such tax.

The proceeds of such tax shall be applied for the benefit of the cantonment in such manner as the Chief Commissioner may from time to time direct.

40. In addition to the other matters for which the Chief Commissioner is empowered to make rules by this Regulation, he may from time to time make rules as to the following, that is to say— Additional power to make rules.

(*a*) the maintenance of watch and ward, and the establishment of a proper

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[a] See *supra*, p. 152.

system of conservancy and sanitation, at fairs and other large public assemblies;

(*b*) the imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to;

(*c*) the custody of judicial records, civil and criminal, and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep;

(*d*) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

Penalty for breach of rules.

41. The Chief Commissioner may, in making any rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a month, or a fine of two hundred rupees, or both.

Rules to be sanctioned and published.

42. No rule made by the Chief Commissioner under this Regulation shall take effect until it has been sanctioned by the Governor General in Council and published in the *Gazette of India*.

Force of rules.

All such rules when so sanctioned and published shall, in so far as they are consistent with this Regulation, have the force of law.

FIRST SCHEDULE.

Acts repealed.

(*See section 2, clause* (*d*)).

Number and year of enactment.	Title or abbreviated title.	Extent of repeal.
Act I of 1847 ...	An Act for the establishment and maintenance of boundary-marks in the North-Western Provinces.	So much as has not been repealed.
Act XIX of 1863	Partition of estates ...	So much as has not been repealed.

SECOND SCHEDULE.

Regulations in force.

(*See section 3*).

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
I of 1798	The prevention of fraud and injustice in conditional sales of land under deeds of Bai-bil-wafá or other deeds of the same nature.	The whole.	
V of 1799	Estates of Intestates.	Sections IV, V and VI ...	The functions of the Court of Sadr Díwání Adálat shall be discharged by the Chief Commissioner.
X of 1804	Punishment of State offences by Courts-martial.	So much as has not been repealed.	
XI of 1806	Passage of troops	Sections II to VI and section VIII, with the exception of such part as authorizes Collectors and their Native officers, or Magistrates and their Police-officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops or the progress of travellers, and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V of 1804."	The powers of the "Governor General in Council" and of the "Board of Revenue" shall be exercised by the Chief Commissioner.

SECOND SCHEDULE—*continued.*

REGULATIONS IN FORCE—*continued.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
XVII of 1806	Redemption and foreclosure of mortgages and conditional sales of land under deed of Bai-bil-wafá.	Sections VII and VIII.	
XIX of 1810	Endowments, public buildings and nazúl property.	So much as is not repealed by Act No. XX of 1863.	The functions of the Board of Revenue shall be discharged by the Chief Commissioner.
XX of 1810	Camp-followers and Bázárs.	So much as has not been repealed, except sections I to III, VI, XX, and in section VII the words "as described in the plans."	
XI of 1812	Foreign Immigrants.	So much as has not been repealed.	The powers of the "Nizámat Adálat" shall be exercised by the Chief Commissioner.
V of 1817[a]	Hidden Treasure	The whole, including sections III and IV, with the exception of— (*a*) the first portion of section V down to and including the words "to such treasure;" (*b*) the following words in section VIII, that is to say, "on the application of the vakeel of Government, under instructions from the Board of Revenue or	The functions of the Sadr Díwání Adálat shall be discharged by the Chief Commissioner.

[a] Repealed by Act No. VI of 1878.

SECOND SCHEDULE—*continued.*

REGULATIONS IN FORCE—*continued.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
		the Board of Commissioners in the Western Provinces, or the Commissioner in Behar and Benares."	
III of 1818	State Prisoners	So much as has not been repealed.	
VI of 1819[a]	Ferries ...	So much as has not been repealed, with the exception of, in section VII, the words and figures "in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX of 1816;" and in section X the words and figures from and including "in the manner" down to the end of the section.	
VI of 1825	Supply of troops on the march.	The whole	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XX of 1825	Jurisdiction of Courts-martial.	Sections I and II.	
V of 1827	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses five and six, section XVI, Regulation III, 1803."	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.

[a] Repealed by Act No. XVII of 1878, *supra*, p. 114.

REGULATION No. I OF 1879.

[*Published in the Gazette of India of 8th of February, 1879, p. 93, and in the Rájputána Official Gazette of 15th of February, 1879, p. 31.*]

A Regulation to provide for the levy of a duty on salt imported into Ajmer and Merwára without payment of duty.

Preamble.

WHEREAS it is expedient to impose a duty on salt which has been imported into Ajmer and Merwára without payment of duty and is now in large quantities therein; It is hereby enacted as follows:—

Local extent.

1. This Regulation extends to all the territories now under the administration of the Chief Commissioner of Ajmer and subject to the provisions of the 33rd of Victoria, chapter 3, section 1;

Commencement.

And it shall come into operation at once.

Interpretation-clause.

2. In the following sections of this Regulation—

"maund" means a maund of three thousand two hundred tolas, that is, 82$\frac{2}{7}$lbs. avoirdupois,

and "section" means a section hereof.

Imposition of duty.

3. On all salt exceeding five maunds in weight which has been imported into the said territories without payment of duty and which is, at the time this Regulation comes into operation, in the possession or under the control of any person or firm in the said territories, a duty of two rupees eight annas per maund shall be levied; and in calculating the amount of such duty, fractions of quarter maunds shall be reckoned as quarter maunds.

Persons to give notice of salt in possession within one week and pay duty.

4. Every person in whose possession, or under whose control, such salt is, shall, within one week from the date on which this Regulation comes into operation, give notice in writing to such officer as the said Chief Commissioner may appoint in this behalf, stating the weight of such salt, and pay to such officer the amount of the duty leviable upon such salt.

No such person shall move, or transfer to another the possession or control of, such salt or any portion thereof until the duty leviable thereon has been paid.

Penalty for not paying duty or moving salt within week without notice.

5. Any person possessing or having the control of any such salt after the expiration of the said period of one week without having given the notice required by section 4 and paid the duty leviable on such salt under section 3, and any person moving, or transferring the possession or control of, any salt in contravention of section 4, shall be punishable with fine which may extend to five hundred rupees, or with imprisonment with or without hard labour which may extend to six calendar months, or with both.

6. The duty leviable upon any salt under section 3 shall be a first charge thereon, and if such duty is not paid as required by section 4, such salt may be seized and detained by any officer empowered by the said Chief Commissioner in this behalf.

Duty to be first charge on salt.

7. The sections of the Inland Customs Act, 1875, referring to offences against any of its provisions or against any rule made thereunder, and the provisions of chapter VI of the same Act, shall, so far as the same may be applicable, apply to offences committed or suspected to have been committed against this Regulation.

Parts of Inland Customs Act, 1875, to apply to offences under Regulation.

PART IV:

NOTIFICATIONS UNDER THE SCHEDULED DISTRICTS ACT, 1874, RELATING TO AJMER AND MERWÁRA.

Foreign Department, the 19th October, 1877 [*Gazette of India*, 20th October, 1877, p. 605].

No. 169 J.—In exercise of the power conferred by section 3 of Act XIV of 1874 (The Scheduled Districts Act), the Officiating Chief Commissioner of Ajmer and Merwára is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the Scheduled District of Ajmer and Merwára.

Foreign Department, the 19th October, 1877 [*Gazette of India*, 20th October, 1877, p. 605].

No. 171 J.—In exercise of the power conferred by section 5 of Act XIV of 1874 (The Scheduled Districts Act), the Officiating Chief Commissioner of Ajmer and Merwára is pleased, with the previous sanction of the Governor General in Council, to extend the undermentioned Acts to the Scheduled District of Ajmer and Merwára :—

Act XXVII of 1860	...	(An Act for facilitating the collection of debts on successions).
„ XX of 1863	...	(The Native Religious Endowments Act).
„ III of 1865	...	(The Carriers Act).
„ XI of 1865	...	(The Mufassal Small Cause Courts Act), except those sections which have been repealed by Act X of 1877 (the Code of Civil Procedure) as specified in the first schedule annexed to that Act.
„ XXVII of 1871	...	(The Criminal Tribes Act).
„ XV of 1873	...	(The North-Western Provinces and Oudh Municipal Act).
„ XV of 1875	...	(The Panjáb Laws Amendment Act, Rural Police), with the necessary verbal alteration for application to Ajmer and Merwára instead of to the Panjáb.

Act X of 1877 ... (The Code of Civil Procedure), except sections 1 and 3, which are already in force in the said districts.

Foreign Department, the 21st June, 1878 [*Gazette of India*, 22nd June, 1878, p 380].

No. 72 J.—In exercise of the power conferred by section 3 of Act XIV of 1874 (The Scheduled Districts Act), the Officiating Chief Commissioner of Ajmer and Merwára is pleased, with the previous sanction of the Governor General in Council, to declare that the undermentioned Acts are in force in the Scheduled District of Ajmer and Merwára .—

No. XXI of 1865 ... [Pársí Intestate Succession Act].
„ XXIII of 1870 ... [Coinage].

No. 73 J.—In exercise of the power conferred by section 5 of Act XIV of 1874 (The Scheduled Districts Act), the Officiating Chief Commissioner of Ajmer and Merwára is pleased, with the previous sanction of the Governor General in Council, to extend the Acts mentioned in the first column of the schedule hereto annexed to the Scheduled District of Ajmer and Merwára .—

SCHEDULE.

Number and year of Act	Subject.
XII of 1850 ...	Default of public Accountants.
XVIII of 1850	Protection of Judicial officers.
XXXIV of 1850 .	State Prisoners.
XXXV of 1858 . ..	Lunatics.
XXXVI of 1858 ...	Lunatic Asylums.
XXI of 1860 .	Registration of Societies.
X of 1866 ..	Indian Companies.
XV of 1869 ..	Prisoners' Testimony.

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SUPPLEMENT.

ACT No. X of 1879.

Received the Governor General's assent on the 23rd of May, 1879.

An Act to provide for the recovery of certain advances made to Landholders.

Preamble.

WHEREAS it is expedient to provide for the recovery of certain advances made in the territories respectively administered by the Lieutenant-Governors of the North-Western Provinces and the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer, for certain purposes other than those specified in the Land Improvement Act, 1871; It is hereby enacted as follows:—

Short title.

Commencement.

1. This Act may be called "The Northern India Takkáví Act, 1879;" and shall come into force on the first day of July, 1879.

Act IV of 1872, section 52, repealed.

2. On and from that day, the fifty-second section added to the Panjáb Laws Act, 1872, by Act No. XII of 1878 (*An Act for the further amendment of the Panjáb Laws Act, 1872*), shall, except as to advances made before that day, be repealed.

Recovery of certain takkáví advances.

3. The Local Government may from time to time, with the previous sanction of the Governor General in Council, prescribe rules as to advances to be made to owners and occupiers of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.

All such rules shall be published in the local official Gazette.

Every advance made in accordance with such rules, shall, when it becomes due, be recoverable from the person to whom it was made, or from any person who has become surety for the repayment thereof, as if it was an arrear of land-revenue due by the person to whom the advance was made or by his surety.